

***United States Court of Appeals  
for the Second Circuit***



**MOTION TO  
DISMISS**





75-1420

UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

B  
P/S

UNITED STATES OF AMERICA,

Appellee,

Docket No.

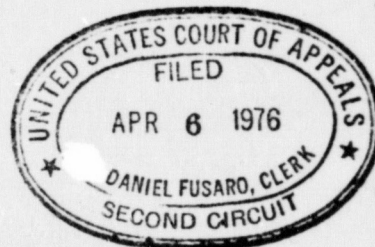
-against-

75-CR-82

SAMUEL SNOW,

Appellant.

RECORD ON APPEAL - VOLUME I



LIVINGSTON L. HATCH, ESQ.  
Attorney for Appellant  
OFFICE & P.O. ADDRESS  
Village Offices & Civic Center  
Keeseville, New York 12944  
(518) 834-7318

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

vs.

GLEN A. SNOW and  
SAMUEL J. SNOW

---

INDICTMENT

Cr. No. 75-CR- 82

(VIO: Title 21, U.S.C.,  
Section 846)

COUNT I

THE GRAND JURY CHARGES:

That from on or about April 4, 1975, to on or about April 25, 1975, at Ausable Forks, New York, and elsewhere, in the State and Northern District of New York, and elsewhere, GLEN A. SNOW and SAMUEL J. SNOW, the defendants herein, and various other persons whose names are unknown to the Grand Jury, did wilfully, knowingly and unlawfully combine, conspire, confederate and agree together and with each other, to commit an offense against the United States, to wit: to violate Title 21, United States Code, Section 841(a)(1).

It was part of said conspiracy that said defendants would wilfully and knowingly distribute a controlled substance as set forth in Schedule II of Subchapter I of Title 21, United States Code, Chapter 13, to wit: approximately one-half (1/2) ounce to one (1) ounce of a preparation made from coca leaves, that is, cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

In furtherance of the aforesaid combination, conspiracy, and agreement and to effect the objects thereof, the defendants at the times and places hereinafter named did do and perform the following overt acts:

OVERT ACTS

1. On or about April 4, 1975, at approximately 9:15 p.m., at Meconi's Restaurant at Ausable Forks, New York, the defendant, GLEN A. SNOW, met with Special Agent Benny T. Mangor of the Drug Enforcement Administration and agreed to acquire and sell or distribute to the said Special Agent one-half (1/2) ounce of cocaine.

2. On or about April 4, 1975, at approximately 10:30 p.m., at Meconi's Restaurant at Ausable Forks, New York, the defendant, SAMUEL J. SNOW, met with Special Agent Benny T. Mangor of the Drug Enforcement Administration, where and at which time further conversation with respect to the purchase of the one-half (1/2) ounce of cocaine took place between Special Agent Mangor and the defendant, SAMUEL J. SNOW.

3. On or about April 9, 1975, the defendant, GLEN A. SNOW, obtained a loan in the amount of \$600. from the National Commercial Bank and Trust Company located on Upper Cornelia Street in Plattsburgh, New York.

4. On or about April 9, 1975, at approximately 8:40 p.m. in the parking lot of the Howard Johnson's on Route 3 in Plattsburgh, New York, the defendant, GLEN A. SNOW, met with Special Agent Benny T. Mangor of the Drug Enforcement Administration, where and at which time Special Agent Mangor gave to the defendant, GLEN A. SNOW, the sum of \$200., which the defendant, GLEN A. SNOW, accepted as partial payment for the one-half (1/2) ounce of cocaine.

In violation of Title 21, United States Code,  
Section 846.

A TRUE BILL

*James M. Sullivan, Jr.*  
UNITED STATES ATTORNEY

*William C. O'Brien*  
FOREMAN



Judge Foley  
TOS  
J. Raymond Fisher  
Livingston Hatch

7/16/75 Both Defts. are arraigned and plead not guilty. Motions are made returnable on Sept. 3, 1975. 20 days to file motions, Govt. has 10 to file opposition affidavits and memorandum. both defts are released on their own recognizance.

9/3/75 Motion to Dismiss Indictment - Denied  
Motion for Bill of Particulars - Granted to the extent agreed by the government; otherwise denied.  
Motion for discovery-Granted to the extent agreed upon by the Govt. otherwise denied.  
Motion for separate trial criminal action - denied.  
Motion in the form made to quash statements to govt. agents denied, except admissions and confessions may be contested at time of trial.

Judge MacMahon

10/6/75 Case called. Jury drawn and sworn.  
10/7/75 Trial Continued. Jury excused for motions. Counsel move to dismiss on grounds stated - motion denied. trial continues.  
10/8/75 Trial continues. Jury excused for motions. Defense counsel both move for dismissal on grounds stated. motions denied. Trial continues.  
~~10/9/75~~ Judge MacMahon charges the jury. Jury excused until tomorrow.  
10/9/75 Jury returns with a verdict of Guilty for Glen A. Snow and Guilty for Samuel J. Snow. Jury excused. Mr. Hatch & Mr. Fisher move on behalf of clients to set aside verdict on grounds states. Denied. Mr. O'Sullivan moves for bail to be set in the amount of \$10,000. denied, defts. released on their own recognizance pending sentencing. Pre-sentence investigation ordered.

11/21 Glen A. Snow 75-CR-82 11/21/75 GHJ Thomas J. Neidl  
The Court advised the defendant of his right to speak in his own behalf, defendant declined, his attorney speaks. It appearing that the defendant is 25 years of age, the court finds that he is eligible for treatment under the federal youths corrections act, as extended by T18, USC § 4209. Accordingly, it is adjudged that the defendant is a young adult offender, and he is sentenced under the provisions of T18, USC § 5010(a) as extended by T18, USC § 4209. Imposition of sentence is suspended, and the defendant is placed on probation for a period of three years, subject to the provisions of the Standing probation order of this court. Defendant is advised of his right to appeal within 10 days.

Form DJ-195  
(Ed. 2-7-66)

1 Samuel J. Snow 75-CR-82 11/21/75 GHJ Livingston Hatch  
2 The Court advised the defendant of his right to speak in his own  
3 behalf, defendant speaks, his attorney speaks. It appearing that  
4 the defendant is 23 years of age, the court finds that he is eligible  
5 for treatment under the Federal Youth Corrections Act, as extended by  
6 T18, USC § 4209. Accordingly, it is adjudged that the defendant is a  
7 Young adult offender, and he is sentenced under the provisions of  
8 T18, USC, § 5010(a), as extended by T18, USC § 4209, Imposition of  
9 sentence is suspended, and the defendant is placed on probation for  
10 a period of three years subject to the provisions of the standing  
11 Probation order of this court. Defendant is advised of his right to  
12 appeal within ten (10) days.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

GLEN A. SNOW

Defendant

NOTICE OF MOTION TO DIS-  
MISS INDICTMENT,  
BILL OF PARTICULARS,  
DISCOVERY and SEPARATE  
TRIAL CRIMINAL ACTION

CR. NO. 75-CR-82

PLEASE TAKE NOTICE that the motions brought by the de-  
fendant under rules 12 (b), 7 (f) and 16 (a)(b) for an Order dis-  
missing the indictment and granting the filing of a bill of parti-  
culars and discovery directing that any alleged statements of the  
defendant not be admissible against him this proceeding and for a  
separate trial will be brought on for argument before this Court  
at a motion term thereof, to be held at the Federal Court House in  
the City of Albany, New York on the 3rd day of September, 1975, at  
10:00 o'clock in the forenoon of that day or as soon thereafter  
as counsel can be heard.

Dated: August 7, 1975  
Albany, New York

Yours, etc.,

J. RAYMOND FISHER, ESQ.  
Attorney for Defendant  
Office and P.O. Address  
90 State Street  
Albany, New York 12207  
Tel: (518) 462-5485

TO: JAMES M. SULLIVAN, JR.  
United States Attorney  
Office and P.O. Address  
U. S. Post Office  
Albany, New York

U. S. DISTRICT COURT  
N. D. OF N. Y.,  
FILED

SEP 4 - 1975

AT 10 O'CLOCK M.  
J. R. SCULLY, Clerk  
UTICA

*Albany, N.Y.  
9/3/75-  
After oral  
argument  
motion to dismiss  
indictment under  
F.R.C.P. 12(b)  
denied.  
Motion for  
Bill of Particulars  
under F.R.C.P. 16(b)  
granted to extent  
agreed by court.  
Motion under  
Rule 16(a)(1)  
for discovery granted  
to extent agreed by  
court. Motion to  
dismiss indictment,  
as to  
statements made by  
defendant, may be  
made to grant at next  
motion term for  
discovery. James T. Day  
U.S.D.J.*



5

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

GLEN A. SNOW

Defendant

---

Defendant, GLEN A. SNOW, respectfully moves this Court, for an Order under Rule 12 (b) dismissing the indictment, under Rule 7 (f) directing the filing of a bill of particulars, under Rule 16 (a)(b) granting discovery and under Rule 12 (b)(1) directing that any admissions or statements made to a public servant of the United States, or the State of New York, or a municipality therein, or to someone then working as an agent of or under the control of said public servant, be squashed and ruled inadmissible in this proceeding against this defendant. A copy of the indictment is annexed.

The grounds in support of the Motion are as follows:

1. That Count I of the indictment fails to comply with Rule 7 (c) in that it is ambiguous, states conclusions and fails to inform the defendant of the acts to which he is to defend to wit; a conspiracy to violate Title 21, USC, Section 841 (a) (1).

2. The indictment charges that a conspiracy to violate 21, USC, §841 (a) (1) existed from on or about April 4, 1975, to on or about April 25, 1975, at Ausable Forks, New York and elsewhere, but the overt acts alleged on page 2 of the indictment include dates only from on or about April 4, 1975 to on or about April 9, 1975 in violation of Title 21, USC, Section 846.



3. That the aforesaid overt acts, if true, are not sufficient to support the indictment herein.

4. If the above is insufficient to cause this Court to dismiss the indictment the defendant asks this Court to direct that a bill of particulars be filed clarifying the above ambiguity in the indictment and answering the following questions:

(a) The dates, places and names of participants of each and every overt act that it will be alleged to have occurred between on or about April 4, 1975 and on or about April 25, 1975 that is not now set forth on page 2 of the indictment.

(b) Is it alleged that the defendant and one Samuel J. Snow acted alone? If not, how many others is it claimed were involved? Was anyone else indicted for offenses arising out of the same transactions which led to the defendant's indictment? If there are such other persons, what are their names and addresses?

(c) What facts support the claim that the defendant wilfully and knowingly conspired to distribute cocaine?

(d) Will any witness for the United States of America claim that any controlled substance was in the possession of the defendant between April 4th and April 25th, 1975? If so, give the names of any such persons.

5. If the Court does not dismiss this indictment then the defendant asks this Court for the government to permit the defendant to inspect and copy or photograph any written or oral, or recorded statements or confessions made by the defendant, or copies thereof, and any scientific tests or experiments made in connection with this case, or copies thereof, or reports of such, within the

possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the government.

6. The defendant alleges that any statements that might have been made by him to a public servant engaged in law enforcement activity or as their agent or under their control, were obtained in violation of his rights as guaranteed to him by the Fifth Amendment of the United States Constitution and that defendant asks this Court for an Order directing that any such statements not be admissible in this proceeding against him.

7. Defendant Glen A. Snow moves for a severance pursuant to Rule 14 of the Federal Rules of Criminal Procedure from the other defendant charged herein and a separate trial, the grounds for said motion being:

(a) The jury will have insurmountable difficulty in distinguishing the alleged acts of this defendant from the alleged acts of his co-defendant.

(b) Evidence in this case may be introduced by the government which may be inadmissible against this defendant but which may be admissible against his co-defendant, all to the prejudice of this defendant.

(c) I presently intend to call as a witness on behalf of this defendant, Samuel J. Snow, the co-defendant herein. If the defendant and co-defendant are tried together, before the same Court and jury, and should the co-defendant refuse to testify when called, serious questions concerning Fifth Amendment rights would arise and could prejudice both the defendant and the co-defendant in the eyes of the jury.



- 4 -

(d) Both the defendant and co-defendant would obtain a fairer and more impartial trial if tried separately.

(e) There is a misjoinder of defendants in the indictment.

Yours, etc.,

J. RAYMOND FISHER  
Attorney for Defendant,  
Glen A. Snow  
Office and P.O. Address  
90 State Street  
Albany, New York 12207  
Tel: (518) 462-5485

TO: JAMES M. SULLIVAN, JR.  
United States Attorney  
Office and P.O. Address  
U. S. Post Office  
Albany, New York

August 22, 1975

Hon. Joseph R. Scully  
Clerk, U.S. District Court  
U.S. Post Office & Court House  
Albany, New York 12207

RE: UNITED STATES vs. GLEN A. SNOW and SAMUEL J.  
SNOW, CR. NO. 75-CR-82

Dear Mr. Scully:

Enclosed herewith is the original Affidavit in Response to Defendant's Motion for Dismissal of the Indictment; Bill of Particular; Discovery; Suppression; and Severance in connection with the above matter.

Kindly file same and advise the date of filing on the enclosed copy of this letter and return to the undersigned.

Very truly yours,

JAMES M. SULLIVAN, JR.  
UNITED STATES ATTORNEY

BY: *SP*

THOMAS P. O'SULLIVAN  
ASSISTANT U.S. ATTORNEY

jp

Enclosure

cc: J. Raymond Fisher, Esq.  
90 State Street  
Albany, NY 12207

✓ Livingston Hatch, Esq.  
Front Street  
Keesville, NY 12944



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

10

UNITED STATES OF AMERICA,

Plaintiff

CR. NO. 75-CR-82

vs.

GLEN A. SNOW and  
SAMUEL J. SNOW,

Defendants

AFFIDAVIT IN RESPONSE TO  
DEFENDANT'S MOTION FOR  
DISMISSAL OF THE INDICTMENT;  
BILL OF PARTICULARS; DISCOVERY;  
SUPPRESSION; and SEVERANCE

STATE OF NEW YORK)  
                                  ) ss:  
COUNTY OF ALBANY )

THOMAS P. O'SULLIVAN, being duly sworn, deposes and  
says:

1. That he is an Assistant United States Attorney for  
the Northern District of New York and knows the contents of the  
file in this office as the same pertains to the above.

2. That this Affidavit is submitted in response to  
defendant's Omnibus Motion for dismissal of the Indictment; a  
Bill of particulars; discovery; suppression of certain evidence;  
and severance.

RESPONSE

A) Dismissal of the Indictment: Points 1, 2 and 3 of  
defendant's motion.

Defendant asserts three reasons for dismissal of the  
Indictment, which are directed toward the issue of whether the  
Indictment is invalid on its face for failure to properly charge  
the defendant.

1. It is alleged that the Indictment contrary to Rule 7(c)  
is ambiguous, states conclusions, and fails to inform the  
defendant of the charge against him.

As a general proposition of law an Indictment is sufficient if it contains the elements of the offense; sufficiently apprises the defendant of what he must be prepared to meet; and is detailed enough with respect to time, place and activity to assure against double jeopardy. United States v. Salazar, 485 F.2d 1272 (2d Cir., 1973).

The Indictment charges that the two defendants conspired or agreed together to commit an offense against the United States, to wit: to violate Title 21, United States Code, Section 841(a)(1), and sets forth that such agreement is a violation of Title 21, United States Code, Section 846. The specific nature of the agreement, to wit: to distribute approximately one-half to one ounce of cocaine, is set forth, and the specific time frame during which the conspiracy is in progress is set forth. Additionally, since the Indictment charges a conspiracy, which requires proof of an overt act in furtherance of the conspiracy taken by one of the conspirators, the Indictment charges four overt acts, which are specific as to time place and nature.

Accordingly, The elements of the crime charged, to wit: <sup>persons</sup> an agreement by two or more/to commit another offense and an overt act taken by one of the conspirators in furtherance of the conspiracy is sufficiently set forth, and sufficiently specific as to times, places and the nature of the activity to apprise the defendant of what he must be prepared to meet, and certainly specific enough as to time, places and activity to protect against the occurrence of a second charge involving the same activity in the same place at the same time.

It is submitted that an Indictment, such as the one in question here, which is precise as to time, place and the nature



of the criminal activity charged, and framed in the language of the applicable statutes, which are designated in the Indictment by their official or customary citation, fully meets the requirements of Rule 7(c) of the Federal Rules of Criminal Procedure and nothing further is required. United States v. Salazar, supra.

2. The defendant next asserts that the Indictment is defective by reason of the fact that it does not allege overt acts occurring after April 9, 1975, whereas it is alleged that the conspiracy is continuing to April 25, 1975.

It is well settled law that the charge of conspiracy is established by proof of the agreement by two or more persons to commit an offense, and the further proof of one overt act taken by one of the conspirators in furtherance of the conspiracy alleged. United States v. Floyd, 496 F.2d 982 (2d Cir. 1974).

Accordingly, the Indictment is sufficient if one overt act is alleged, regardless of when it occurred as long as it takes place within the time the conspiracy transpires.

Moreover, dismissal of the Indictment is not required, since any prejudice to the defense in preparing its case, resulting from overt acts not alleged in the Indictment, about which evidence may be introduced at trial, can be cured by an appropriate bill of particulars. United States v. Zolli, 51 F.R.D. 522 (E.D.N.Y., 1970).

3. The defendant further asserts that even if the alleged overt acts are true, they are not sufficient to support the Indictment.

Obviously, conspiratorial agreements take place in secret and cannot ordinarily be proven by direct evidence, but can be

shown by circumstantial evidence, including overt acts taken in furtherance of the alleged conspiracy. United States v. Pagano 244 F.2d 682 (2d Cir. 1955), cert. denied, 76 S.Ct. 137, 35 U.S. 884.

Overt acts 1 and 2 in this Indictment, if proved, clearly establish the agreement between the undercover agent and each defendant, whereby each defendant has agreed to distribute the same half-ounce of cocaine to the agent, clearly showing that both defendants are acting in concert, and leading to the irrefutable inference that they have agreed together and with each other to distribute a controlled substance, which is an offense against the United States.

Overt acts 3 and 4, if proved, clearly show that this defendant has taken further acts in furtherance of the conspiracy alleged, which are equally admissible to prove the guilt of both he and his co-conspirator. United States v. Cole, 365 F.2d 57 (7th Cir., 1966).

Accordingly, the alleged overt acts, if proved, would establish the agreement between the two defendants to commit an offense against the United States, and further establish overt acts taken in furtherance of the unlawful agreement, thereby establishing the conspiracy alleged, which is all that is needed to make a prime facie case, and would support a conviction even if the objects of the conspiracy was never attained. United States v. Cioffi, 487 F.2d 492 (2d Cir., 1973).

It is therefore submitted that the reasons advanced by defendant for dismissal of the Indictment are specious, without foundation in fact or law, and an insufficient cause for dismissal of this Indictment.



Accordingly, it is respectfully submitted that defendant's motion for dismissal of the indictment should be denied.

B. Bill of Particulars: Point 4(a) thru (d) of defendant's motion.

The government will respond to the request for a bill of particulars in the following manner, corresponding to the letter designation for each request in defendant's motion.

a) The government will provide the requested information for an overt act presently known to the government, which occurred during the time the conspiracy was transpiring, about which the government may produce evidence at trial, and under the provision for continuing discovery the government will provide the requested information for any other overt acts, which may become known to the government about which the government may introduce evidence at trial, with the possible exception that the names of all other participants may be withheld, but such information shall only be withheld, where there is a compelling reason for non-disclosure.

Accordingly, in addition to the four overt acts alleged in the indictment the government further alleges that:

5. On or about April 10, 1975, the defendants Glen A. Snow and Samuel J. Snow, travelled to New York City for the purpose of acquiring the subject cocaine, in the company of one, Julian Loren Votraw of 8 McCrea Street, Box 565, Ausable Forks, New York 12912, the same Julian Loren Votraw being also present at the times and places alleged in overt acts 1 and 2 of the indictment, and a participant at those meetings.

b) The Indictment alleges that the defendants conspired with various other persons whose names are unknown. The number of such other persons is also unknown. No other persons have presently been indicted for offenses arising out of the same transactions which led to this Indictment.

c) The request here simply seeks to discover the theory of the government's case. The elements of wilfully and knowingly are patently evidentiary and the details of the government's proof is not a proper subject in a bill of particulars. See United States v. Salazar, 485 F.2d 1272 (2d Cir. 1973), cert. denied 94 S.Ct. 1579; United States v. Callahan, 300 F.Supp. 519 (S.D.N.Y., 1969); United States v. Kelly, 254 F.Supp. 9 (S.D.N.Y., 1966).

d) Possession of a controlled substance is not an element of the charge against the defendants and need not be proved by the prosecution. Accordingly, any evidence introduced to substantiate that the defendants actually possessed the controlled substance would only be directed to the issues of intent, knowledge and wilfulness. It is therefore apparent that the request made here is not directed to determining the charges against the defendant to protect against a second charge for the same offense, but rather to discover the details of the government's proof and the theory of the government's case.

Such discovery by the defense may be of assistance in preparing a defense, but the purpose of a bill of particulars is simply to clarify the Indictment. Possession of a controlled substance is not a charge alleged in the Indictment nor an overt act alleged. In a conspiracy case, a bill of particulars is sufficient if it furnishes sufficient particulars to fairly



apprise the defendants of the transactions to be proved so they will have a reasonable opportunity to meet the charge that they performed the specific acts. United States v. Agnello, 367 F.Supp. 444 (E.D.N.Y., 1973).

As indicated under point (c), supra, the discovery of the government's theory or the details of its proof is not a proper matter in a bill of particulars. (See the cases cited therein).

C. Motion for Discovery: Point 5 of defendant's motion.

The government will provide all of the requested material in its possession, custody or control which is known or may become known to the attorney for the government, at a time and place agreeable to all parties.

At present, the government's attorney knows of no confession or written statements of either defendant, but there are certain oral and recorded conversations of both defendants made by the defendants during the time in which the conspiracy was transpiring.

The government also does not know of any scientific tests or experiments made in connection with this conspiracy charge but if any become known, they will be provided to the defense.

D. Motion for Suppression: Point 6 of defendant's motion.

Presumably, the defendant is raising a Miranda problem but he fails to allege any custodial interrogation that would give rise to a Fifth Amendment problem. Miranda v. State of Arizona, 384 U.S. 436, 86 S.Ct. 1602 (1966).

Moreover, his allegation, ("any statements that might have been made to a (any) public servant engaged in law enforcement activity or as their agent or under their control," is so vague that there is no way to determine what the statement was, who it was made to, whether it was made while in custody, whether it is intended to be used against the defendant, or whether any statement was made at all.

More importantly, it is difficult to see how the court can determine a constitutional question based upon hypothetical supposition, without any hard facts. See, United States v. Miller, 249 F.Supp. 59 (S.D.N.Y., 1965).

It is therefore suggested that defendant's motion seeks to discover such statements rather than suppress them. That matter is addressed under Point 5 of defendant's motion. It should be noted however, that pretrial discovery of statements which the defendant might have made to a government agent is not permissible where defendant makes no attempt to describe such statements in any detail. United States v. Miller, supra.

Accordingly, defendant's motion to suppress should be denied.

E. Motion for Severance: Point 7 of defendant's motion.

The motion made here, when it is considered that this is a conspiracy involving two conspirators, is difficult to grasp, in view of the fact that acts committed by one conspirator are admissible to prove the guilt of a co-conspirator, United States v. Floyd, 496 F.2d 982 (2d Cir., 1974); and statements made by a co-conspirator during the course and in furtherance



of a conspiracy are admissible as evidence against a co-defendant as if it were his own statement. United States v. Agnello, 367 F.Supp. 444, 448 (E.D.N.Y., 1973).

In light of that, it is difficult to see how a trial involving only two conspirators can be severed.

The ground for severance alleged under point (a) is patently specious in view of the foregoing discussion, since acts of one are admissible against the other. The general rule is that where charges arise out of the same series of acts, persons jointly indicted should be tried together. United States v. Mastrobuono, 271 F.Supp. 197 (S.D.N.Y., 1967). This is especially appropriate where a conspiracy is charged, and the mere suggestion that jury confusion will result does not warrant a severance. United States v. Burgio, 279 F.Supp. 843 (S.D.N.Y., 1968).

The ground for severance under point (b) is also without foundation. The mere fact that all the evidence is not admissible against all defendants does not require separate trials. See, United States v. Kahaner, 203 F.Supp. 78 (S.D.N.Y., 1962), where it was held that in a conspiracy prosecution the possible prejudice to a defendant from admissions against a co-defendant of declarations incriminating defendant did not require separate trials, particularly where the nature of the declarations was not shown.

Any prejudice which may occur at trial as a result of the introduction of evidence ~~is~~ admissible against one but not the other can of course be cured by an appropriate instruction.

The ground for severance set forth under point (c) is equally without foundation. In the first place, it may never

arise and even if the co-defendant were called and asserted his privilege, it is not a ground for severance in a conspiracy prosecution. United States v. Pilnick, 267 F.Supp. 791 (S.D.N.Y., 1967).

Moreover, if there were a severance and defendant were tried first the co-defendant could still assert his privilege, or the defendant could assert the privilege in the trial of the co-defendant. Additionally, even if the co-defendant were tried first he might still assert his privilege since he could be subject to prosecution under State or Federal laws for actions integrally connected to the conspiracy which may also be crimes.

It is significant to note also that if overt acts 1 and 4 of the Indictment are proved against this defendant, exculpatory statements elicited from the co-defendant will be of little value.

Defendant's ground for severance under point (d) is also without merit. The burden is on the defendant to present facts which demonstrate that he will be prejudiced by a joint trial so that in effect he will be denied a fair trial altogether. United States v. Wolfson, 289 F.Supp. 903 (S.D.N.Y., 1968). An unsupported claim of prejudice is insufficient.

Defendant, here, has not met his burden to support the allegation of unfairness. Moreover, denial of a motion for severance is within the sound discretion of the court where neither the number nor the background of the defendants charged nor the nature of co-defendant's connection to the conspiracy indicate the likelihood of prejudice, given proper instructions to the jury on individual guilt. United States v. Brown, 335 F.2d 170 (2d Cir., 1964).



Defendant's final ground for severance under point (e) is equally deficient. The general rule of law is that where persons are jointly charged, they are tried together in the public interest, and this is especially so where charges may be proved against all defendants by substantially the same evidence as is particularly the case in a conspiracy such as we have here. United States v. Burgio, supra.

Moreover, Rule 8(b) of the Federal Rules of Criminal Procedure, specifically provides for joinder of defendants where it is alleged they participated in the same acts or transactions constituting an offense which is precisely the situation in the present case.

It is therefore submitted that defendant has failed to meet the burden of establishing that a joint trial will substantially prejudice the defendant, and accordingly, it is submitted that the motion for severance should be denied.

5/

THOMAS P. O'SULLIVAN

Sworn to before me this

25<sup>th</sup> day of August, 1975.

sf Sandra Schilling-Huber  
NOTARY PUBLIC

(RECORD CONTINUES ON PAGE NUMBERED 23)

1 THE WITNESS: I heard --

2 MR. O'SULLIVAN: All right, Your  
3 Honor, we will dispense with this witness. We  
4 will put the undercover agent on. He can testify  
5 to what was said and what was done.

6 THE COURT: It is up to you.

7 All right, witness excused.

8 (Witness excused).

9 THE COURT: All right, let's recall  
10 the jurors and see if we can start with some  
11 competent evidence.

12 Do you know what this witness is  
13 going to say, Mr. O'Sullivan? You have interviewed  
14 him and prepared him to testify?

15 MR. O'SULLIVAN: I have interviewed  
16 him.

17 THE COURT: Some of what he wants  
18 to tell us is competent proof and a lot of it isn't,  
19 and it is your job to sort it out.

20 MR. O'SULLIVAN: Well, would it be  
21 all right after I put the undercover agent on to  
22 recall Agent Fitzpatrick?

23 THE COURT: You better talk to him  
24 first.

25 (Jury enters Courtroom).



1 MR. O'SULLIVAN: The Government  
2 will call Special Agent Benny Mangor.

3 BENNY T. MANGOR,  
4 having been called as a witness in behalf of the  
5 Government, was first duly sworn according to  
6 law and testified as follows:

7 MR. FISHER: Your Honor, while we  
8 are waiting, could I respectfully ask that if anybody  
9 is going to be called either by the Government or  
10 the defense as a witness, they be excluded until  
11 they are called?

12 THE COURT: I don't see any  
13 witnesses.

14 MR. FISHER: I don't know. These  
15 people are here and I have no objection to their  
16 being here.

17 THE COURT: I don't see any  
18 witnesses.

19 MR. FISHER: Thank you.

20 DIRECT EXAMINATION

21 BY MR. O'SULLIVAN:

22 Q Agent Mangor, will you state by whom you are  
23 employed?

24 A The Drug Enforcement Administration.

25 Q Would you tell us how long you have been so employed?

1 A Approximately five and a half years.

2 Q Would you tell us where you are now stationed?

3 A District Office, Rouses Point, New York.

4 Q Will you tell us your job functions?

5 A To enforce Federal narcotic laws.

6 Q Were you involved in an investigation of one Glen A.  
7 Snow and one Samuel J. Snow?

8 A Yes, I was.

9 Q Will you tell us when that investigation began?

10 A On April 4th, 1975.

11 Q And will you tell us what you did pursuant to that  
12 investigation?

13 A I was instructed by the agent in charge that I would--

14 MR. FISHER: Objection.

15 THE COURT: Sustained.

16 Q Just tell us what you did, Agent Mangor.

17 A I was introduced to Mr. --

18 Q Tell us when this takes place. Tell us the time  
19 and date. Tell us exactly what you did.

20 MR. FISHER: Your Honor, respect-  
21 fully, the witness appears to be reading from some  
22 notes, and unless the notes refresh his recollection--

23 THE COURT: Do you have notes?

24 THE WITNESS: I have notes, yes.

25 THE COURT: Give them to me.



1 (Witness handing).

2 THE COURT: All right, proceed.

3 A On April 4th, 1975 at approximately 9:10 p.m. that  
4 evening I was introduced to Samuel Snow and Glen  
5 Snow by an informant at Menconi's Restaurant in  
6 Ausable Forks, New York.

7 Q What was the name of that informant?

8 A Julian Votraw.

9 Q Who was present at the time you were introduced?

10 A In the beginning, early in the evening, it was Mr.  
11 Glen Snow.

12 Q Who else was there?

13 THE COURT: Is Glen Snow in the  
14 Courtroom?

15 THE WITNESS: Yes, he is, Your Honor.

16 THE COURT: Which one is he?

17 THE WITNESS: It is the gentleman  
18 sitting there with the gray suit to the right of the  
19 table, to my right.

20 THE COURT: Let the record show he  
21 has identified the defendant, Glen Snow.

22 BY MR. O'SULLIVAN:

23 Q Who was present besides yourself and Mr. Snow when  
24 this introduction takes place?

25 A In the bar-restaurant, in Menconi's, there was

1 Agent Dunham.

2 Q Who was present at the actual introduction?

3 A Myself, Mr. Julian Votraw and Mr. Glen Snow.

4 Q All right. Now, tell us what was said.

5 A We are sitting at the table inside Menconi's Bar  
6 Restaurant. Shortly after we had arrived there,  
7 myself and Mr. Votraw, Mr. Glen Snow comes into  
8 the restaurant. He immediately comes over to the  
9 table where we are sitting. At this time, Mr.  
10 Votraw introduces me to Glen and he states, "This  
11 is Paul". That was the name I was using. "He is  
12 interested in buying some cocaine." Mr. Glen Snow  
13 then states that he is going to New York City the  
14 following Monday or Tuesday. Then I ask as to the  
15 price of the cocaine. Glen Snow states that he  
16 purchases it in the city for approximately 250 to  
17 \$300 per quarter-ounce. I inquire about the  
18 quality of the substance. Mr. Glen Snow states  
19 that that it is of high quality grade, it is very  
20 pure. He then asks me how much I will be interested  
21 in purchasing. I told him I would be interested in  
22 purchasing an ounce of cocaine. Glen said that he  
23 is going to be buying an ounce when he goes to New  
24 York City, that he will only sell a half-ounce  
25 because the remaining half-ounce has been obligated



1 to other people. During the conversation Mr. Glen  
2 Snow also volunteers to show me how to cut the  
3 substance, the cocaine, since it is in a pure  
4 state.

5 MR. FISHER: I object to that  
6 statement, Your Honor.

7 THE COURT: Sustained. It is a  
8 conclusion. What did he say?

9 A (Continuing) He said to the effect that "When I  
10 get back, I will show you how to cut the cocaine".  
11 At this time I produce \$1200 of Government money  
12 which is allotted by our agency for the purchase of  
13 drugs. I produce this money, show it to Glen Snow  
14 in good faith to show that I have money to purchase  
15 this cocaine.

16 MR. FISHER: I object to the words  
17 "good faith".

18 THE COURT: Yes, strike it. Not  
19 why you did it, what you did.

20 A (Continuing) I produced \$1200 official advance  
21 funds, showed it to Mr. Glen Snow.

22 THE COURT: Did he ask for that?  
23 How did this come about?

24 THE WITNESS: As we are negotiating  
25 in the --

1 MR. FISHER: I object to the word  
2 "negotiating".

3 THE COURT: Yes. Can't you state  
4 the conversation as best you can recall?

5 THE WITNESS: As we are talking in  
6 the restaurant there and Mr. Glen Snow is stating  
7 that he is going to the city to acquire an ounce,  
8 that he would only sell me a half-ounce, I produce  
9 the money that has been pre-recorded. I show it to  
10 him and put it back. It took a couple seconds.  
11 Mr. Glen Snow did not count the money.

12 BY MR. O'SULLIVAN:

13 Q Then what happened?

14 THE COURT: Did you make any offer  
15 to buy any cocaine?

16 THE WITNESS: Yes, I did.

17 THE COURT: Well, I haven't heard it.  
18 What was said?

19 THE WITNESS: Then Mr. Glen Snow  
20 quotes me a price that I will be paying.

21 THE COURT: What price did he quote?

22 THE WITNESS: Between six and \$700  
23 for the half-ounce of cocaine that he would sell to  
24 me on his return from New York City. Mr. Glen Snow  
25 states that I should contact him later on in the



1 week. He asks for my telephone number. I wouldn't  
2 give him my telephone number. I asked for his  
3 telephone number on a piece of paper. He writes  
4 down his telephone number and tells me to call him  
5 next week.

6 BY MR. O'SULLIVAN:

7 Q Do you have that piece of paper with you, Agent  
8 Mangor?

9 A Yes, I do.

10 MR. O'SULLIVAN: I would like to  
11 have this marked.

12 THE COURT: Mark it Government's 1.

13 (Paper with telephone number marked  
14 Government's Exhibit 1 for identification).

15 BY MR. O'SULLIVAN:

16 Q Mr. Mangor, I show you Government's Exhibit 1 marked  
17 for identification. Can you identify that?

18 A This is the piece of paper that Mr. Glen Snow wrote  
19 his home telephone number on, on April 4th, 1975  
20 in Menconi's Bar at approximately 9:30 p.m..

21 Q What did you do with that?

22 A Upon receiving this piece of paper with the telephone  
23 number on it, it was brought back to our office at  
24 Rouses Point, New York, where I initialed it and  
25 dated it and then sealed it in a plastic envelope

1           such as this here and placed it in our evidence  
2           vault.

3           Q     Now, has it been taken out of that vault before you  
4           brought it here today?

5           A     No, it has not.

6                     MR. FISHER: Your Honor, I have no  
7           objection to this document with, apparently, the  
8           gentleman's signature, but I would not want anything  
9           else which seems to be affixed to this exhibit. It  
10          hasn't been offered yet. So if it is, just that I  
11          have no objection.

12                    THE COURT: Can we substitute it?

13                    MR. FISHER: Certainly.

14                    THE COURT: Photostat the document  
15          with the telephone number and we will substitute it,  
16          the front and back of the document with the telephone  
17          number.

18                    MR. O'SULLIVAN: All right. Can we  
19          do that later?

20                    THE COURT: Yes. You should have  
21          done it before.

22          BY MR. O'SULLIVAN:

23          Q     All right. Agent Mangor, did you make arrangements  
24          to meet to consummate the deal?

25          A     Yes, I did. I was instructed by Mr. Glen Snow to



1 call him next week on Wednesday or Thursday to  
2 finalize the transaction, make arrangements to meet  
3 where the exchange could take place.

4 MR. FISHER: Your Honor, I don't  
5 like to keep getting up --

6 THE COURT: I know, but you must,  
7 it is your duty to interrupt and I will tell that  
8 to the jury.

9 Mr. Fisher would be the subject of  
10 a suit for malpractice if he didn't interrupt. The  
11 testimony is incompetent. Strike it out and start  
12 again.

13 BY MR. O'SULLIVAN:

14 Q Just tell us the conversation you had.

15 THE COURT: The conversation, what  
16 he said, what you said.

17 A Mr. Glen Snow stated that I should call him on  
18 Wednesday or Thursday of the next week.

19 THE COURT: What did you say?

20 THE WITNESS: I said that I would  
21 call him next week, and at this time he wrote down  
22 his telephone number on a piece of paper and gave it  
23 to me.

24 THE COURT: Was that all the con-  
25 versation?

1 THE WITNESS: And then the meeting  
2 terminated and I stated to him I will call him and  
3 he left the table.

4 BY MR. O'SULLIVAN:

5 Q All right. Then what happened?

6 A Then later on in the evening I was introduced --  
7 later on in the evening, a subject enters the bar  
8 who I was introduced to by Mr. Julian Votraw to  
9 be Mr. Samuel Snow. He sits down at a table.

10 THE COURT: Do you see Samuel Snow?

11 THE WITNESS: Yes, I do.

12 THE COURT: Would you point him out?

13 THE WITNESS: He is the individual  
14 sitting over there with the tan coat on to the  
15 extreme left of the table, to my left.

16 THE COURT: Let the record show he  
17 has identified the defendant, Samuel Snow.

18 All right, now what did you see when  
19 Sam Snow walked into the bar, what did you see?

20 THE WITNESS: He immediately sits  
21 down at a table occupied by myself and Mr. Julian  
22 Votraw. I say to Sam Snow, "I hear you are going  
23 to the city with Glen Snow." He says, yes, they plan  
24 on going down to the city.

25 MR. FISHER: Your Honor, respectfully,



1 at this point, could I ask that the jury be  
2 instructed that any conversations between this  
3 witness and this man not in the presence of Glen  
4 Snow is not binding upon Mr. Glen Snow at this  
5 point?

6 THE COURT: I will take it subject  
7 to connection. Go ahead.

8 THE WITNESS: I asked Mr. Samuel  
9 Snow, "I hear you are going to the city next week  
10 with Glen Snow". He says, yes, they are; they are  
11 going down there to purchase cocaine. Mr. Samuel  
12 Snow then states to me that the cocaine is of a  
13 high quality, that it is off a kilo shipment. He  
14 then says that when they purchase the cocaine and/or  
15 heroin in New York City, they go down there, they  
16 meet a Puerto Rican and they advance the money to  
17 the Puerto Rican who in turn goes to Harlem. This  
18 Puerto Rican brings the money back to the Snows.  
19 He also stated to me that Mr. Glen Snow was planning  
20 on taking out a loan next week in order to have  
21 enough money to purchase the cocaine in New York  
22 City.

23 MR. FISHER: Rather than get up  
24 again, may I consider this a continuing --

25 THE COURT: I told you I would take

1 it subject to connection. Now, that ruling stands  
2 throughout the trial. I am not going to instruct  
3 the jury at this point. It isn't any of their  
4 affair. It is a matter of evidence for me. Go  
5 ahead.

6 THE WITNESS: After he tells me  
7 about the Puerto Rican and then he asks me if I am  
8 interested in buying some heroin. He says that he  
9 can get some good heroin at \$80 a quarter. I told  
10 him at this time that I am not interested in buying  
11 heroin, that later on I might know of some people  
12 who would be. Mr. Samuel Snow then states that I  
13 should call them at their residence later on that  
14 week. He also states that he lives with Glen Snow  
15 in a mobile home in Ausable Forks, New York. The  
16 meeting then terminated and I told Mr. Samuel Snow  
17 that I would get in touch with them by phone, and  
18 he gets up and he leaves the table.

19 BY MR. O'SULLIVAN:

20 Q Well, then did you get in touch with him?

21 A Yes, I did, on April 9th, 1975 I attempted to call  
22 either Sam or Glen Snow at the phone number which  
23 they gave me on April 4th, the phone number which  
24 Mr. Glen Snow gave me on April 4th. There was no  
25 answer on that particular phone so I called



1 Menconi's Bar and Restaurant. At this time an  
2 individual who identified himself as Dave answered  
3 the phone. I asked him, is Sam or Glen Snow there.

4 MR. FISHER: I object to that  
5 statement, Your Honor. There is no testimony that  
6 either of these defendants were present.

7 THE COURT: Overruled. I will take  
8 it for the fact, not for the truth of the statement,  
9 but for the fact it was made. Go on.

10 A (Continuing) I asked for Mr. Sam or Glen Snow and  
11 he says, "Who is this?". I say, "This is Paul."  
12 That was the name I was using at the time. He says,  
13 "Call this number. Glen told me to tell you to call  
14 this number if you called or came in." He gives me  
15 the number. I write it down and I end the conver-  
16 sation with the party on the other end. I called  
17 the number that I was instructed to call. A woman  
18 answers the phone. I asked for Glen and she says  
19 just a minute. Glen comes on the telephone and I  
20 ask him what is happening and he says, "Didn't he  
21 explain it to you?" And I say, "I understand you  
22 came up short." And he says, "Two short." I believe  
23 I said, "Two short, meaning \$200 short?" He says,  
24 "Yes". Then he said, "I will be right down to see  
25 you." I said, "I'm not at Menconi's." I said that,

1 "I am in Burlington, Vermont and it would take me  
2 approximately a half-hour to two hours to get down  
3 to the vicinity of where you are." I then told him  
4 that I would meet him in Plattsburgh, New York, that  
5 once I got in Plattsburgh, New York, I would call  
6 him at his residence which was the phone number he  
7 gave me on April 4th. I also asked him, "Will you  
8 be able to bring me a sample for a taste of the"--  
9 I asked him if he would be able to bring me a sample  
10 and he said something to the effect, no, and the  
11 conversation terminated.

12 On the same date, April 9th, upon  
13 arriving at Plattsburgh, New York, from a public  
14 pay telephone located at the Howard Johnson's  
15 Restaurant in Plattsburgh, New York, I called Glen  
16 Snow at his residence. I told him I was in  
17 Plattsburgh. He said he would be there shortly.  
18 I asked him to run the situation by me again, that  
19 he said he came up 200 short and that he would like  
20 some money advanced. At this time I asked him,  
21 "Will you be able to bring me a sample for the  
22 \$200?", and he said, "No." I then asked him, I  
23 said, "Will you be buying an ounce in New York City?"  
24 And he said, "No, but I will have no problem in  
25 covering what you want." I wanted to purchase a



1 half-ounce of cocaine. We talked about --

2 MR. FISHER: I object to the word  
3 "cocaine", Your Honor. There is a statement that  
4 he is using that word in that conversation, and I  
5 believe that is aside from the jury, what he is  
6 referring to, not what he is saying.

7 THE COURT: Yes, give us the con-  
8 versation, I said, he said.

9 A (Continuing) I said, "Will you be able to bring me  
10 some stuff?". I believe that is the term I used,  
11 and he said, "No". I said then, "It is going to  
12 cost me \$650." And he said, "Yes". "The 200 I am  
13 advancing you will be subtracted from the 650  
14 leaving a balance of \$450." He said he would be  
15 there shortly and the conversation ended. Later on  
16 in the evening I arrived -- I leave the immediate  
17 area from where I made the phone call. I arrive  
18 later on in the evening into the parking lot of the  
19 Howard Johnson's and I observe Mr. Glen Snow's  
20 vehicle there. I pull up next to his vehicle, I  
21 stop my vehicle. Mr. Glen Snow immediately gets out  
22 of his vehicle and comes into my vehicle. Inside  
23 the vehicle we have a conversation and he states to  
24 me that he is going to New York City to buy three-  
25 quarters of an ounce of cocaine and which I would be

1           able to purchase a half-ounce for \$650. Then when  
2           he returns with the cocaine I would owe him a  
3           balance of \$450 because I have advanced him \$200.  
4           I then proceed to give him the \$200. I count it  
5           out. It was in \$20-denominations. Upon giving him  
6           the \$200 in my vehicle, Mr. Glen Snow stated that  
7           after we have consummated the first deal, he used  
8           the word deal, then I would only have to deal through  
9           him. He also instructed me to give him a call on  
10          Friday. I said, "Will you be able to have the stuff  
11          before Friday evening because I would like to have  
12          it in the afternoon?". He says, "Yes, I will."  
13          Mr. Glen Snow then leaves my vehicle and enters  
14          his and leaves the area.

15          Q       Did you again contact him on Friday?

16          A       On April 11th, I contact him on Friday. I attempt  
17          to call him at his residence, again, no answer, so  
18          I called Menconi's. A female answers the phone.  
19          I ask is Glen or Sam there and she says just a  
20          minute. Later on Samuel Snow gets on the phone and  
21          I say to Sam, "What's happening?" He says, "Just  
22          a minute, I'll let you talk to Glen." A short while  
23          later, Glen comes to the telephone and I say, "What's  
24          happening?". He says, "Didn't whatchamacallit tell  
25          you?", meaning Mr. Julian Votraw. And then Mr.



1 Glen Snow states that they did not -- the deal did  
2 not consummate in New York City and that Mr. Votraw  
3 or Jules has my \$200 which would be returned to me  
4 by him, Mr. Julian Votraw. Mr. Glen Snow states  
5 that he spent \$100 just in the trip down and back.  
6 I asked him who he went with. He said he went with  
7 Sam, and that he also said he went with Jules,  
8 Julian Votraw. I said, "Will you be able to get  
9 something in a couple weeks?" He said he will be  
10 going down in a couple weeks. I said, "Will you  
11 be able to cop an ounce?" He said, "There will be  
12 no problem in covering what you want." At this  
13 time I stated that I would call him in a week or so  
14 and the conversation ended.

15 Q Now, these phone calls, are any of these phone  
16 conversations recorded?

17 THE COURT: I'm sorry, I can't hear  
18 you. Perhaps if you got the pen out of your mouth,  
19 I could.

20 Q Are any of these phone calls recorded?

21 A Yes, they are.

22 Q Did you bring that with you, that is, the recording?

23 A Yes, I did.

24 Q Did you record these yourself?

25 A Yes, I did.

1 Q Do you have experience in taping phone, or  
2 recording phone conversations?

3 A Yes, I have.

4 Q Will you demonstrate for us then how these recordings  
5 are made? ,

6 (Tape recorder marked Government's  
7 Exhibit 2 for identification).

8 Q I show you Government's Exhibit 2 marked for identi-  
9 fication. Can you identify that?

10 A This is the tape recorder that I used to record the  
11 telephone conversations that I had with Sam and Glen  
12 Snow.

13 (Microphone marked Government's  
14 Exhibit 3 for identification).

15 Q I show you Government's Exhibit 3 for identification.  
16 Can you identify that?

17 A This here is a microphone used to monitor or record  
18 telephone conversations when you are talking on the  
19 telephone.

20 Q Will you demonstrate for us how you do that?

21 A I use a cassette recorder. You place it inside the  
22 tape recorder. You then take the telephone hook-up,  
23 you plug it into the recorder where it says mike.  
24 You then wet the plastic part here on the microphone  
25 and you attach it to the telephone receiver. Then



1                   you press down the two buttons and it starts  
2                   recording your conversation as well as the party  
3                   on the other end of the line or the other telephone.

4           Q       That is what you did to record these phone con-  
5                   versations that you testified to?

6           A       That's correct.

7           Q       All right. Now, do you have the cassettes of those  
8                   phone conversations?

9           A       Yes, I do.

10                               (two cassettes marked Government's  
11                   Exhibits 4 and 5 for identification).

12          Q       Okay. I will show you now Government's Exhibit  
13                   Number 4 for identification and ask you to identify  
14                   that exhibit.

15          A       This is the cassette, continuing conversation I had  
16                   with Mr. Glen Snow and -- excuse me. Glen Snow on  
17                   April 9th, 1975. There are four conversations on  
18                   this tape.

19          Q       Are all those conversations you testified to?

20          A       Yes, they are except for one, the one I had on  
21                   April 11th.

22          Q       All right. Now I will show you Government's Exhibit  
23                   Number 5 for identification.

24          A       This is the cassette containing the conversation I  
25                   had with Mr. Glen and Samuel Snow on April 11th,

1 1975.

2 Q All right. After you taped these records, what did  
3 you do with these cassettes?

4 A They are brought back to our office where they are  
5 transcribed onto paper and typed by our secretary.  
6 The cassette is then put in a sealed envelope,  
7 what we call an evidence envelope and it is then  
8 locked in our vault, or evidence vault.

9 Q All right. Now let me ask you about Government  
10 Exhibit Number 4 marked for identification, or both  
11 Government Exhibit 4 and 5 marked for identification  
12 Were they ever taken out of the vault prior to  
13 bringing them here today?

14 A Yes, they were, they were taken out of the vault  
15 and they were brought down to the United States  
16 Attorney's Office in Albany, New York where they  
17 were played for the two defense Counsels.

18 Q Who brought them down?

19 A I brought them down.

20 Q Were they ever taken out of this again?

21 A Then they were subsequently taken out at another  
22 date and brought down to Albany, New York where  
23 they were played for a Court Reporter, I believe,  
24 who transcribed the conversation onto paper.

25

MR. O'SULLIVAN: I will offer these.



1 MR. FISHER: May we approach the  
2 bench, Your Honor?

3 THE COURT: Can't you state your  
4 objection from the floor? I am familiar with the  
5 rules of evidence. Stay within reference to the  
6 rules of evidence. I think I could probably get it.

7 MR. FISHER: I have no way of knowing  
8 whether that which is on the cassette is exactly the  
9 same --

10 THE COURT: No identification, you  
11 say?

12 MR. FISHER: Yes, Your Honor.  
13 Then there are, respectfully, Your Honor, four or  
14 five different conversations in the first and the  
15 fourth one -- it is true I have heard records of  
16 these things, but the first and the fourth, I would  
17 like to be heard in front of Your Honor. They are,  
18 in my judgment, absolutely immaterial. This is not  
19 a group thing. There are four separate on different  
20 telephone conversations.

21 THE COURT: I take it there has  
22 been a stenographic transcript of each of these  
23 conversations which you have seen, Mr. Fisher.

24 MR. FISHER: It was given to me  
25 Saturday afternoon, yes.

1 THE COURT: Can't you read it  
2 between Saturday and now?

3 MR. FISHER: I have read it, Your  
4 Honor.

5 THE COURT: All right.

6 MR. FISHER: I would like a--

7 THE COURT: Let me see the transcript.  
8 I can read to tell whether it is material.

9 MR. FISHER: That is why I want to  
10 approach the bench, Your Honor.

11 THE COURT: I don't know why you have  
12 to approach the bench. Hand me the transcript.

13 (Handing to the Court).

14 - MR. O'SULLIVAN: There are five,  
15 Your Honor. We would agree that the four conver-  
16 sations --

17 THE COURT: You say all of them or  
18 just a particular page?

19 MR. FISHER: I have page numbers,  
20 Your Honor. The conversations on page 2 and 3 and  
21 the conversations on page 10 and 11.

22 THE COURT: Overruled on 2 and 3.  
23 Overruled on 10 and 11.

24 MR. FISHER: Could I respectfully  
25 except?



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THE COURT: Open them up.

MR. FISHER: That is the next thing.

THE COURT: No sense keeping them  
locked anymore.

Let the record reflect that the  
agent is opening the envelopes.

First open Exhibit 4, then 5.

(Witness opening envelopes).

THE COURT: Have you opened them?

THE WITNESS: Yes, I have.

THE COURT: All right, let's move  
along here.

MR. O'SULLIVAN: The Government will  
now move to introduce --

THE COURT: Do you want a recess  
while you are verifying that these are the conver-  
sations? .

MR. FISHER: Yes, Your Honor,  
respectfully.

(Jury leaves Courtroom).

MR. FISHER: Is there an extra  
copy? The Court has my copy,

(Clerk handing copy to Mr. Fisher).

(Witness plays portion of Exhibit 4  
recording).

1 MR. FISHER: That's it, all right,  
2 that's it.

3 THE COURT: That is Exhibit 4, is it?

4 MR. O'SULLIVAN: 4.

5 THE COURT: You should do all this  
6 before trial, Mr. O'Sullivan.

7 (Witness plays portion of Exhibit 5  
8 recording).

9 MR. FISHER: That's it.

10 THE COURT: All right. You just make  
11 problems for yourselves by not doing anything ahead  
12 of time. All right. Are you offering them now?

13 MR. O'SULLIVAN: Yes.

14 THE COURT: Any objection?

15 MR. HATCH: I have an objection,  
16 Your Honor. None of these telephone conversations  
17 apply to my defendant, Sam Snow, except for the  
18 number 4, page 11, where he answers the telephone.

19 THE COURT: I will take them subject  
20 to connection.

21 MR. FISHER: Your Honor, could I  
22 preliminarily ask questions in reference to the two  
23 cassettes?

24 THE COURT: This belongs in front of  
25 the jury.



1 MR. FISHER: All right, I will do  
2 it in front of the jury, but I am not sure on the  
3 basis of what I have heard yet, respectfully, Your  
4 Honor, and I am not so sure this is not a wiretap.

5 THE COURT: Well, have you moved  
6 beforehand to find out?

7 MR. FISHER: All I was told, there  
8 was a cassette recording of a conversation.

9 THE COURT: Were there any wiretaps  
10 involved?

11 MR. O'SULLIVAN: No, Your Honor.

12 MR. FISHER: This is attached to a  
13 telephone instrument, and I was not aware of that  
14 until the witness testified now and I was told it  
15 was no wiretap.

16 THE COURT: What did you think these  
17 transcripts were you read Saturday? What have you  
18 been doing since the indictment here?

19 MR. FISHER: Your Honor, there are  
20 certain Federal laws pertaining to --

21 THE COURT: I am quite aware that  
22 there are Federal laws. There are also pre-trial  
23 procedures by which you get rid of this kind of  
24 housekeeping problem before you get in the Courtroom  
25 on a trial.

1 MR. FISHER: I thought I had until  
2 the witness said he had a device attached to the  
3 telephone, and that is the only reason I am saying  
4 this. We were told it was a cassette that he had  
5 with him at the time of the conversation.

6 THE COURT: That is not a wiretap.

7 MR. FISHER: Well then I except --  
8 there is no necessity of any arguing before the  
9 jury if Your Honor says it is not a wiretap. I  
10 personally have no objection to it.

11 THE COURT: If you want to ask him  
12 some questions, go ahead.

13 PRELIMINARY EXAMINATION

14 BY MR. FISHER:

15 Q Mr. Mangor, this Exhibit Number 3 for identification,  
16 the microphone, is that this here?

17 A Yes.

18 Q What was that affixed to?

19 THE COURT: He said it was affixed  
20 to the receiving end of the telephone.

21 MR. FISHER: I don't know where on  
22 the telephone one would stick one of these, Your  
23 Honor.

24 THE COURT: What difference does it  
25 make? He is on the end of the phone, one part of



1 the conversation. He can consent to it. That  
2 doesn't make a wiretap.

3 MR. FISHER: I have no further  
4 questions.

5 THE COURT: All right, get the jury  
6 back. Four and 5 are received in evidence.

7 (Government Exhibits 4 and 5  
8 received and marked in evidence).

9 (Jury enters Courtroom).

10 MR. O'SULLIVAN: May I have the  
11 agent play them for the jury?

12 THE COURT: Yes, proceed.

13 DIRECT EXAMINATION (continued)

14 BY MR. O'SULLIVAN:

15 Q Agent Mangor, will you play the tape recording  
16 marked Government Exhibit 4 for identification now  
17 in evidence?

18 MR. O'SULLIVAN: May I ask the  
19 Court a question? May I come to the bench?

20 THE COURT: All right.

21 (Off-the-record discussion at bench).

22 Q Proceed, Agent Mangor.

23 (The following was a tape recording  
24 played in Court by the witness):

25 "DAVE: Menconi's.

1 MANGOR: Is Glen Snow or Sammy Snow there?

2 DAVE: Ah, who is this?

3 MANGOR: Huh?

4 DAVE: Who is this?

5 MANGOR: Tell him Paul is on the phone.

6 DAVE: Who?

7 MANGOR: Paul.

8 DAVE: Ah, neither of them are here, but Glen  
9 said to call this number. Okay.

10 MANGOR: Oh, for me to call that number?

11 DAVE: Yeah.

12 MANGOR: But, who are you?

13 DAVE: Dave.

14 MANGOR: Oh, Dave, okay, okay. What number?

15 DAVE: 647-8242.

16 MANGOR: 8242?

17 DAVE: Right.

18 MANGOR: Is that their house number?

19 DAVE: No, he is somewhere; he is at dinner.

20 MANGOR: Oh, he is at dinner, okay.

21 DAVE: But he said if you called or came in  
22 to have you call that, okay.

23 MANGOR: Okay, good enough. Thanks a lot,  
24 Dave.

25 DAVE: Yeah, take care.



1 MANGOR: Chow.

2 - - - - -

3 MANGOR: Conversation took place at 5:10 p.m.  
4 on 4/9/75 between Agent Mangor, and Dave -- last name  
5 unknown. Called from Rouses Point, New York, to  
6 647-9902, which is Menconi's Restaurant."

7 MR. FISHER: Your Honor, if this is  
8 going to be interpreted into these all the way  
9 through, I would ask the jury --

10 THE COURT: I didn't know there were  
11 interpretations on there. I haven't heard these  
12 tapes before. You have, haven't you?

13 MR. FISHER: Well, I didn't know  
14 he was going to play that. I thought it was the  
15 conversation he was going to play.

16 THE COURT: We will recess until  
17 2 o'clock.

18 (A luncheon recess was taken).

19 (Trial resumes).

20 MR. O'SULLIVAN: Your Honor, before  
21 you bring the jury in, I notice that when playing  
22 the tape before, the acoustics are pretty bad. I  
23 was wondering if I could use the transcript that  
24 was made by the Court Reporter as a listening agent.

25 THE COURT: Yes, sure.

1 MR. FISHER: They are not in  
2 evidence.

3 THE COURT: They don't have to be.  
4 Do you dispute their accuracy?

5 MR. FISHER: It is going to be  
6 played for the jury.

7 THE COURT: Yes, but this is an aid  
8 to the listening. The acoustics in here are bad.  
9 Do you dispute the accuracy?

10 MR. FISHER: I don't dispute the  
11 accuracy of it, Your Honor, it is just not in  
12 evidence.

13 THE COURT: It is in evidence. It  
14 is not in evidence in that form. Offer them in  
15 evidence.

16 MR. O'SULLIVAN: I could have the  
17 undercover agent testify to the accuracy.

18 THE COURT: Offer them in evidence.  
19 Do what the Court tells you. Don't tell me what  
20 you can do. I will tell you what you can do.

21 MR. O'SULLIVAN: I will offer them  
22 when the jury gets back.

23 THE COURT: Do you dispute the  
24 accuracy?

25 MR. FISHER: I don't dispute the



1 accuracy, Your Honor. Rather than --

2 THE COURT: I am just not used to  
3 this kind of nonsense. We handle all this in my  
4 Court before trial, and it all ought to be handled  
5 before trial.

6 MR. FISHER: The more I say, the  
7 more it becomes nonsense, Your Honor, so I will be  
8 quiet.

9 THE COURT: Well, don't take that  
10 attitude. You are here to defend your client.

11 MR. FISHER: I am trying to, Your  
12 Honor, and I have been trying.

13 THE COURT: All right. Call a  
14 witness here. We will do it the hard way.

15 MR. FISHER: If I could be permitted  
16 to just finish, Your Honor, without the nonsense  
17 cropping up. Are these jurors going to be permitted  
18 to bring all of these copies into --

19 THE COURT: Sure.

20 MR. FISHER: I have no objection.

21 MR. O'SULLIVAN: Could I just move  
22 them into evidence then when the jury returns?

23 THE COURT: I don't know. You better  
24 put your stenographer on. Have you got him?

25 MR. O'SULLIVAN: No, I don't have

1 the stenographer, but I have the agent who read  
2 these tapes and he can certify its accuracy.

3 THE COURT: That's good enough.

4 MR. O'SULLIVAN: Except for two  
5 discrepancies, except the time and phone number.

6 MR. FISHER: Which I pointed out.

7 THE COURT: Put him on. We will do  
8 it the hard way. Get the agent.

9 (Jury enters Courtroom).

10 (Agent Mangor returns to the witness  
11 stand).

12 DIRECT EXAMINATION (continued)

13 BY MR. O'SULLIVAN:

14 Q Agent Mangor, after you had taped these phone  
15 conversations, did you then play those cassette  
16 tapes?

17 A Yes, I did.

18 Q And how many times did you play them?

19 THE COURT: It doesn't matter. Show  
20 him what you have.

21 Q All right. I now show you Government Exhibit  
22 Number 6 marked for identification. Have you ever  
23 seen that before?

24 A Yes, I have.

25 Q Have you read that?



1 A Yes.

2 THE COURT: Have you compared it  
3 with the tape?

4 THE WITNESS: Yes, I have, Your  
5 Honor.

6 THE COURT: Is it true and accurate?

7 THE WITNESS: There are two errors  
8 in there, Your Honor.

9 THE COURT: What are they?

10 THE WITNESS: On page 6, they have  
11 a time down on 4/9/75, 7:15. That should be 5:15.  
12 And on page 10 they said that I called telephone  
13 number 647-9261. That should be 647-8261.

14 MR. O'SULLIVAN: Does Counsel want  
15 to --

16 MR. FISHER: No.

17 MR. O'SULLIVAN: The Government  
18 would now move that Government Exhibit 6 for  
19 identification be received into evidence.

20 THE COURT: Received.

21 (Government Exhibit for identifi-  
22 cation received and marked in evidence).

23 MR. HATCH: Your Honor, subject to  
24 the connection relative to my client?

25 THE COURT: Yes.

1 MR. O'SULLIVAN: May I now present  
2 copies of Government Exhibit marked Number 6 now  
3 in evidence to the jury to be used as a listening  
4 aid?

5 THE COURT: Yes.

6 BY MR. O'SULLIVAN:

7 Q Now, Agent Mangor, will you resume, or I suppose  
8 begin again to play on this tape recorder,  
9 Government Exhibit Number 4 now in evidence?

10 A Do you want me to start from the beginning?

11 Q The taped phone conversations you had with the  
12 defendants.

13 A Do you want me to start from the beginning or  
14 continue where we left off?

15 I think you better start from the beginning.

16 (Witness plays recording as follows):

17 "DAVE: Menconi's.

18 MANGOR: Is Glen Snow or Sammy Snow there?

19 DAVE: Ah, who is this?

20 MANGOR: Huh?

21 DAVE: Who is this?

22 MANGOR: Tell him Paul is on the phone.

23 DAVE: Who?

24 MANGOR: Paul.

25 DAVE: Ah, neither of them are here, but Glen



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said to call this number. Okay.

MANGOR: Oh, for me to call that number?

DAVE: Yeah.

MANGOR: But, who are you?

DAVE: Dave.

MANGOR: Oh, Dave, okay, okay. What number?

DAVE: 647-8242.

MANGOR: 8242?

DAVE: Right.

MANGOR: Is that their house number?

DAVE: No, he is somewhere; he is at dinner.

MANGOR: Oh, he is at dinner, okay.

DAVE: But he said if you called or came in  
to have you call that, okay.

MANGOR: Okay, good enough. Thanks a lot,  
Dave.

DAVE: Yeah, take care.

MANGOR: Chow.

-----

MANGOR: Conversation took place at 5:10 p.m.  
on 4/9/75 between Agent Mangor, and Dave -- last name  
unknown. Called from Rouses Point, New York, to  
647-9902, which is Menconi's Restaurant.

\* \* \* \* \*

"WOMAN: Hello.

1 MANGOR: Is Glen there, please?  
2 WOMAN: Yeah, just a minute.  
3 GLEN: Hello.  
4 MANGOR: Glen?  
5 GLEN: Yes.  
6 MANGOR: Paul.  
7 GLEN: Who is it?  
8 MANGOR: Paul.  
9 GLEN: Yeah.  
10 MANGOR: How are you doing?  
11 GLEN: Pretty good. I'll be right down in  
12 a couple of minutes.  
13 MANGOR: Well, wait a minute. Wait a minute,  
14 I'm in Burlington. I called Menconi's there.  
15 GLEN: Yeah.  
16 MANGOR: So what's happening here?  
17 GLEN: Ah, didn't he tell you?  
18 MANGOR: Can you talk, or what?  
19 GLEN: Well, --  
20 MANGOR: Yeah, he told me you wanted some  
21 bread fronted?  
22 GLEN: Yeah.  
23 MANGOR: What are you talking about: How  
24 much?  
25 GLEN: Two.



1 MANGOR: All right. You know that's no pro-  
2 blem, but how about, you know, instead of me traveling  
3 way the fuck down there, how about me meeting you  
4 somewhere else, besides --

5 GLEN: Where?

6 MANGOR: Instead of meeting me down in  
7 Ausable Forks there, you know --

8 GLEN: Yeah.

9 MANGOR: I'll meet you somewhere else because  
10 I'm call here from Burlington and it will take me about  
11 hour and a half to get over there.

12 GLEN: Well, where do you want me to meet  
13 you then?

14 MANGOR: I'll meet you, you know, I'll give  
15 my Chick a call. I can meet you at the Burgh if  
16 you want.

17 GLEN: Where?

18 MANGOR: I'll meet you at Plattsburgh, then.

19 GLEN: You know my number, don't you?

20 MANGOR: Well, what is your number?

21 GLEN: I thought I gave it to you the other  
22 night?

23 MANGOR: Okay, all right. I got in my book  
24 now. Well, what time is it now?

25 GLEN: It's a quarter after five now.

1 MANGOR: All right. If I leave within  
2 fifteen minutes I can be down there between 7:00  
3 and 7:30.

4 GLEN: Okay, well I'll be at home, just give  
5 me a call and I will meet you.

6 MANGOR: Well, all right. I don't want you  
7 to meet me at my Chick's place, though.

8 GLEN: Well, that's all right. Just tell me  
9 where you're going to be when you call me.

10 MANGOR: Okay. Is that a long distance call  
11 from Plattsburgh to Ausable Forks?

12 GLEN: Yes.

13 MANGOR: Oh, it is?

14 GLEN: Yeah, it's about thirty cents.

15 MANGOR: Thirty cents, all right. Are you  
16 going to be able to bring me a little stuff or what?

17 GLEN: What?

18 MANGOR: Are you going to be able to bring  
19 me anything for the two bills?

20 GLEN: No, not right now.

21 MANGOR: All right, okay. I will call you  
22 from there. I will talk to you then, okay?

23 GLEN: Okay, good enough.

24 MANGOR: All right, chow.

25 GLEN: Bye.



1 MANGOR: Right.

2 - - - - -

3 MANGOR: Conversation took place at  
4 approximately 7:15 p.m., on 4/9/75 between Agent  
5 Mangor and Suspect Glen Snow. Telephone call was  
6 placed from D.O. Rouses Point, New York, to 647-8242.

7 \* \* \* \* \*

8 "GLEN: Hello.

9 MANGOR: Glen, please?

10 GLEN: Yes, this is Glen.

11 MANGOR: Paul.

12 GLEN: Paul, yeah. Are you in Plattsburgh?

13 MANGOR: Yes, I'm here at Howard Johnson's,  
14 which is across from the shopping mall.

15 GLEN: Yeah.

16 MANGOR: All right, I'll meet you there.

17 GLEN: Yeah, all right. How about half an  
18 hour?

19 MANGOR: Okay, that's good. I'll go over to  
20 the mall with my Chick and we'll do a little shopping.  
21 Then I'll come over here, okay?

22 GLEN: Okay. Did he explain the whole  
23 situation to you?

24 MANGOR: Well, run it by me there.

25 GLEN: Ah, like I run up two hundred short.

1 MANGOR: Okay. Well, you are going to have  
2 enough for an ounce?

3 GLEN: What?

4 MANGOR: You are going to have enough for an  
5 ounce?

6 GLEN: Ah, I doubt it, but there will be  
7 no problem in covering what you want.

8 MANGOR: Okay, I just want a half now.

9 GLEN: Yeah, that's no problem, and that is  
10 650.

11 MANGOR: 650. So the two, I will owe you  
12 450 then?

13 GLEN: Right. That is cool.

14 MANGOR: Yeah, that's okay. That is no  
15 problem. When will you be able to have the stuff?

16 GLEN: He'll get in touch with you Friday  
17 when he gets home.

18 MANGOR: Oh?

19 GLEN: That's when he'll be here.

20 MANGOR: Oh, you say he'll have it Friday  
21 evening?

22 GLEN: Friday evening for sure.

23 MANGOR: For sure?

24 GLEN: Unless things get messed up in the  
25 process, but I talked to everybody and so far



1 everybody thinks everything is cool.

2 MANGOR: Okay. That's good, because I can  
3 start planning a party for Friday night, when you  
4 going to bring the stuff.

5 GLEN: Well, we should be home by Friday  
6 afternoon.

7 MANGOR: Okay, fine. I will talk to you  
8 when you get back there. I'd like to see you in the  
9 afternoon instead of the evening so I can get back  
10 over there.

11 GLEN: Well, as soon as I get back I'll be  
12 with him, you know.

13 MANGOR: Okay. Is he coming all the way up  
14 here?

15 GLEN: Who? Yes, he is coming up. He is  
16 coming up to the weekend.

17 MANGOR: He is coming up for the weekend,  
18 okay.

19 GLEN: He'll get in contact with you, okay?

20 MANGOR: Okay, fine.

21 GLEN: Okay, good enough -- later.

22 MANGOR: Glen, what kind of car will you be  
23 driving?

24 GLEN: A red Firebird.

25 MANGOR: Okay, I will meet you in the lot,

1           okay?

2                   GLEN: About one-half hour from now. It  
3 takes me a little bit longer than a half-hour, but  
4 I will be there for sure.

5                   MANGOR: Okay, it's 8:00 o'clock now.

6                   GLEN: Well, I'm leaving right now. I have  
7 just got to stop and get gas and I will be on my way.

8                   MANGOR: Okay, fine -- later.

9                   GLEN: Yes, later.

10                  - - - - -

11                   MANGOR: Conversation took place between  
12 Agent Mangor and Subject Glen Snow at approximately  
13 8:00 p.m., on 4/9/75, from the Howard Johnson's  
14 pay phone, which is 561-9474, to 647-9261."

15 BY MR. O'SULLIVAN:

16 Q       Is that the end of Government Exhibit 4?

17 A       Yes, it is.

18 Q       We will now play Government Exhibit 5 in evidence  
19 for the jury.

20                               (Witness plays recording, Exhibit 5,  
21 as follows:)

22                   "WOMAN: Menconi's.

23                   MANGOR: Is Glen or Sammy Snow there, please?

24                   WOMAN: Just a moment.

25                   SAMUEL: Hello.



1 MANGOR: Who is this?  
2 SAMUEL: Sam.  
3 MANGOR: Sam, this is Paul.  
4 SAMUEL: Paul?  
5 MANGOR: Yeah.  
6 SAMUEL: What's happening?  
7 MANGOR: What's happening? You tell me.  
8 SAMUEL: Oh, wait a minute. Let me let you  
9 rap to Glen, then.  
10 MANGOR: Well, where is Glen?  
11 SAMUEL: He is outside. Hold on.  
12 MANGOR: All right.  
13 GLEN: Yeah?  
14 MANGOR: Hey, Glen?  
15 GLEN: Yeah.  
16 MANGOR: Paul  
17 GLEN: Yeah?  
18 MANGOR: What's the poop here?  
19 GLEN: What?  
20 MANGOR: What's going on?  
21 GLEN: Nothing. Nothing's happening.  
22 MANGOR: Why not?  
23 GLEN: Just couldn't do it. We went down  
24 and nothing happened.  
25 MANGOR: Well, how about my bread?

1 GLEN: What's his name has got it for you.  
2 I gave it to him. He is going to give it to you  
3 tonight.

4 MANGOR: Well, are you going to be able to  
5 do anything in the future, or what?

6 GLEN: Trying, you know, like I said you  
7 never know.

8 MANGOR: Well, did you go down there?

9 GLEN: Yeah, we went down there yesterday,  
10 all three of us.

11 MANGOR: Well, I thought that you called the  
12 dude ahead of time?

13 GLEN: We did, but something happened and  
14 things didn't work out after we got down there.

15 MANGOR: Oh, fuck. Don't you have anything,  
16 or just a taste, or what?

17 GLEN: Nothing. Didn't even get that.

18 MANGOR: Jesus Christ. You know you told me  
19 it was a sure thing?

20 GLEN: Hey, listen. You know how much it  
21 costs me to go down there?

22 MANGOR: How much it cost you?

23 GLEN: Almost a hundred now. I'm out that.

24 MANGOR: Did you go down there with Sammy?

25 GLEN: Huh?



1 MANGOR: Did you go down there with Sammy?

2 GLENN: Yeah, and Jule.

3 MANGOR: Oh, shit. You know you put me in a  
4 goddamn spot.

5 GLEN: Hey, it put me in a spot, too, because  
6 I lost about a hundred now on it.

7 MANGOR: Jesus Christ, you know I promised  
8 these people I'd have some, and, fuck, now I don't  
9 have any.

10 GLEN: Hey, you know, I lost money, too,  
11 but he's got yours.

12 MANGOR: What?

13 GLEN: He's got yours, your money.

14 MANGOR: Well, when do you think we'll be  
15 able to do something again? You know, when will you  
16 be able to go down again?

17 GLEN: Probably in a week or two.

18 MANGOR: If you go down next time are you  
19 going to be able to cop an ounce?

20 GLEN: Yeah, but I'll do everything ahead  
21 of time. I'll have him get in touch with you.

22 MANGOR: No, fuck. I don't want to get  
23 in touch with him anymore, you know.

24 GLEN: Well, I'll just get his number from  
25 him, and I'll call you, okay?

1 MANGOR: You know, I would rather --

2 GLEN: I'll get your number and I will call  
3 you, okay?

4 MANGOR: All right. Well, I don't know.

5 GLEN: That is the best I can do, you know?

6 MANGOR: Well, are you going to be able to  
7 go down next week or the week after?

8 GLEN: I don't know for sure. It all  
9 depends on how the situation is, but let me see --

10 MANGOR: Well, I thought that you had the  
11 bread. You told me you had \$600.

12 GLEN: Well, I did but I lost a hundred.

13 MANGOR: Oh.

14 GLEN: You know.

15 MANGOR: Do you know where else I might be  
16 able to get some, huh?

17 GLEN: No, that is the only place I know.

18 MANGOR: How about some hash, for some smoke  
19 for these people. I got to bring some back to them  
20 or they are going to say, "Fuck you," next time.

21 GLEN: Can't help you out at all. Can't  
22 do a thing for you.

23 MANGOR: All right. I'll give you a buzz  
24 next week. -- I'll try to get ahold of Jules  
25 there, okay?



1 GLEN: Okay, good enough.

2 MANGOR: All right, I'll see you.

3 GLEN: Okay.

4 - - - - -

5 MANGOR: Conversation took place at  
6 approximately 3:55 p.m. on 4/11/75 between Agent  
7 Mangor and Samuel J. Snow, and then Glen Snow from  
8 the District Office, Rouses Point, and call was  
9 made to Menconi's, at 647-9902."

10 BY MR. O'SULLIVAN:

11 Q Is that the conclusion of Government Exhibit  
12 Number 5?

13 A Yes, it is.

14 Q Now, Agent Mangor, did you have any further contact  
15 with either Glen Snow or Samuel Snow after April  
16 11th, 1975?

17 A Yes, I did. On April 18th, the morning of April  
18 18th, 1975, I telephone Samuel Snow at his  
19 residence, at which time Samuel Snow stated to me --

20 MR. HATCH: Your Honor, I object.  
21 This is not within the scope of this charge. This  
22 transaction is supposed to have taken place on  
23 April 4th, 1975. All testimony is the 9th, 10th  
24 and 11th. Now we are up to the 18th.

25 THE COURT: What is the date of this?

1 THE WITNESS: April 18th, 1975.

2 MR. HATCH: Your Honor, the overt  
3 acts --

4 THE COURT: Overruled.

5 MR. HATCH: Can I have an exception?

6 MR. FISHER: Can I have one too,  
7 Your Honor?

8 A (Continuing) On April 18th, 1975 I telephoned  
9 Samuel Snow at his residence, at which time Samuel  
10 Snow told me that he and Glen Snow were going to go  
11 to New York City.

12 MR. HATCH: I object to the form of  
13 the question.

14 A (Continuing) At which time Samuel Snow told me  
15 that he and Glen Snow were going to go down to New  
16 York City to purchase one to two ounces of cocaine  
17 and that I would be able to purchase one-half to  
18 an ounce of the cocaine they were bringing back with  
19 them, and then the phone conversation terminated.  
20 On April 18th, 1975, the same day in the afternoon,  
21 I was at the Plattsburgh Air Force Base in  
22 Plattsburgh, New York, coming out of the gym. As I  
23 was coming out of the gym, the time was approxi-  
24 mately 1:30 in the afternoon, Glen Snow is walking  
25 into the gym. We pass each other. I say hello; he



1 says hello to me. He continues to go into the gym.  
2 I was accompanied by another agent at the time. We  
3 get in a Government vehicle and we proceed out of  
4 the immediate area. As we were leaving the area,  
5 we see the vehicle belonging to Glen Snow, a red  
6 Firebird. We keep his vehicle under observation.  
7 We then observe Glen Snow and a Negro male enter  
8 the red Firebird and proceed to leave the area of the  
9 gym entrance. I get out of the vehicle which is  
10 occupied by myself and Agent Dunham, and I assume  
11 the guise of a hitchhiker. Glen Snow passes me,  
12 he stops. The doors open and I get into the back  
13 seat of the vehicle. I state to Glen I spoke to  
14 Sammy this morning. At this time Glen Snow con-  
15 tinues to have a conversation with the Negro male  
16 to whom I know as James Louis Samuels. We proceed  
17 to drive from the old part of the base to the new  
18 part of the base where Mr. Samuels, James Louis  
19 Samuels, gets out of the vehicle. I move out of  
20 the rear seat into the front seat and I ask Glen  
21 Snow to give me a ride to downtown Plattsburgh.  
22 Enroute to downtown Plattsburgh, he states that he  
23 is expecting a quantity of cocaine to come up from  
24 New York City --

25 MR. FISHER: Your Honor, could I

1 respectfully object? This is not covered by the  
2 subject matter of the pleadings.

3 THE COURT: Overruled.

4 MR. FISHER: Exception.

5 A (Continuing) He states that he is expecting a  
6 shipment of a quantity of cocaine from New York City.  
7 He said that he would be willing to sell me one  
8 ounce of cocaine for \$1,100. He also states that he  
9 does not prefer to deal in ounce quantities because  
10 when he sells in smaller quantities, he makes more  
11 money. He also states that he pays someone \$100  
12 to go down to the city to pick up the cocaine and  
13 bring it to him in Ausable Forks. And that when he  
14 sells cocaine to me, he wants to deal in Ausable  
15 Forks, New York, because he and Sam Snow are known  
16 in Plattsburgh.

17 MR. HATCH: Your Honor, I object to  
18 his questions. I would like them struck because I  
19 think they are highly prejudicial.

20 THE COURT: What is your objection?

21 MR. HATCH: That his remarks are  
22 prejudicial.

23 THE COURT: Overruled.

24 MR. HATCH: They are not covered  
25 within the indictment.



1 THE COURT: Overruled.

2 MR. FISHER: I join in the  
3 objection, Your Honor.

4 A (Continuing) Glen Snow states to me that he has  
5 someone that he pays \$100 to go down to New York  
6 City and bring the cocaine up to him in Ausable  
7 Forks, New York. He also said that when he sells  
8 the cocaine to me, he wants to do it in Ausable  
9 Forks, New York, because he and Samuel Snow are  
10 both known in the Plattsburgh, New York area for  
11 prior drug arrests.

12 MR. HATCH: I object to that, Your  
13 Honor.

14 THE COURT: Overruled.

15 A (Continuing) At this time --

16 MR. HATCH: Your Honor --

17 THE COURT: I heard you. Overruled.  
18 Next question.

19 A (Continuing) At this time I tell Glen Snow he can  
20 stop the vehicle here and let me out of the vehicle.

21 THE COURT: The jury may be excused.  
22 (Jury leaves Courtroom).

23 THE COURT: Mr. Hatch, don't ever  
24 slam a book on the table before me again, or if you  
25 do, you'll spend the night in jail for contempt of

1 Court.

2 MR. HATCH: Your Honor, I did not  
3 mean that book to be --

4 THE COURT: I am just warning you.  
5 Don't ever do it again.

6 Bring the jury back.

7 (Jury enters Courtroom).

8 THE COURT: All right, proceed.

9 BY MR. O'SULLIVAN:

10 Q Agent Mangor, before the jury was excused, you were  
11 testifying as to a conversation you had with the  
12 defendant, Glen Snow, on April 18th, 1975 in his  
13 vehicle in Plattsburgh. Will you resume testifying  
14 as to what that conversation was?

15 A After talking with Glen Snow, stating to the effect  
16 that he wanted to --

17 MR. FISHER: I object to the words  
18 "to the effect", Your Honor.

19 THE COURT: "I said, he said." Tell  
20 us the conversation. They are conclusions.

21 A (Continuing) He said that he was willing to sell me  
22 an ounce of cocaine for \$1100 and that he makes more  
23 money doing smaller deals versus ounce deals, and  
24 that he pays someone \$100 to go down to New York City  
25 and pick up the cocaine, and that also he wanted to



1 do the deal in Ausable Forks, New York and not  
2 Plattsburgh, New York because he was known in  
3 Plattsburgh, New York for prior drug arrests.  
4 I then told Glen Snow that he could let me off.  
5 At the time I was on Cornelius Street. He stopped  
6 the vehicle. I got out of the vehicle and I  
7 notified the other agent by telephone to pick me up.

8 Q Was there any further conversation?

9 A On April 23rd, 1975 I called the residence of the  
10 Snows, Samuel and Glen Snow, at which time I talked  
11 to Samuel Snow. Samuel Snow stated to me at this  
12 time that he was going to New York City to pick up  
13 a quantity of cocaine and for me to call --

14 MR. HATCH: Your Honor, I object to  
15 the line of questioning not covered within the  
16 pleadings.

17 THE COURT: What is the basis of  
18 your objection?

19 MR. HATCH: Your Honor, sir, the  
20 overt acts --

21 THE COURT: Overruled. The period  
22 of the indictment is April 25th, conspiracy.

23 MR. FISHER: Your Honor, could I be  
24 heard separately and object that we asked for a  
25 Bill of Particulars and none of the matters which

1 this gentleman is testifying to now were included  
2 in the Bill of Particulars that was filed with us.

3 THE COURT: Thank you for calling  
4 that to my attention. Let me have the bill.

5 (Handing).

6 THE COURT: I am supposed to be a  
7 mindreader up here.

8 I'm sorry, we have got a legal  
9 problem here I will have to work with a minute.  
10 You are excused. Take a recess.

11 (Jury leaves Courtroom).

12 THE COURT: What about it? Did you  
13 ever supply any further particulars after this?

14 MR. O'SULLIVAN: The particulars  
15 as to Judge Foley ruled on, sir --

16 THE COURT: But you have a con-  
17 tinuing obligation to furnish in response to this.  
18 Tell me all you know about it.

19 MR. O'SULLIVAN: He asked for  
20 information as to overt acts. These are those overt  
21 acts, the conversations indicating a conspiracy.  
22 He is still continuing.

23 THE COURT: This is a half brief  
24 and half a Bill of Particulars. What legal work!  
25 Where is your request? I can't



1 read these in any intelligent way.

2 MR. FISHER: Your Honor has my only  
3 copy.

4 THE COURT: I have an affidavit in  
5 response.

6 MR. FISHER: My motion for a Bill of  
7 Particulars --

8 THE COURT: For dismissal of the  
9 indictment, Bill of Particulars, discovery,  
10 suppression and severance.

11 MR. FISHER: Because Judge Foley told  
12 us to have all motions returnable by September 4th.

13 THE COURT: Where is your demand for  
14 the Bill of Particulars to which somebody has  
15 responded?

16 MR. FISHER: You have my only copy,  
17 Your Honor, and I apologize for it.

18 MR. O'SULLIVAN: I have a copy.

19 THE COURT: Doesn't anybody up here  
20 have a photostat machine?

21 (Mr. O'Sullivan handing to the  
22 Court).

23 THE COURT: What demand are you  
24 referring to?

25 MR. FISHER: If I could have a

1 second, Your Honor, -- on page 2, paragraph 4, it  
2 states at the top of the page.

3 THE COURT: All right. "If the  
4 above is insufficient --". Above what?

5 MR. FISHER: Starting with a Bill  
6 of Particulars, clarifying above, immunity on  
7 indictment and the following questions, it goes,  
8 A, B, C, D.

9 THE COURT: I don't follow you, Mr.  
10 Fisher.

11 MR. FISHER: Your Honor, we asked  
12 for the information --

13 THE COURT: Where? What paragraph?

14 MR. FISHER: Page 4, subparagraphs  
15 A, B, C.

16 THE COURT: Are we talking about the  
17 same thing?

18 MR. FISHER: Yes, Your Honor, A, B,  
19 C and D, and the only answer given was paragraph 5.

20 THE COURT: Incidentally, Mr. Hatch,  
21 it could save us a half-hour if you said, I object,  
22 there is a variance with the Bill of Particulars  
23 instead of up there, I object, I object, may I be  
24 there, may I be that. The rules of evidence.

25 Read me the testimony of this



1 witness starting with Mr. Hatch's first objection.  
2 We will go in Chambers.

3 (The pertinent testimony was read  
4 back by the Reporter in Chambers).

5 (In Courtroom).

6 (Jury enters Courtroom).

7 THE COURT: The objection is  
8 overruled. Proceed.

9 MR. FISHER: Could I have back the  
10 paper I passed up to the Court?

11 THE COURT: Yes.

12 DIRECT EXAMINATION (continued)

13 BY MR. O'SULLIVAN:

14 Q Now, Agent Mangor, before the jury was excused, you  
15 were relating a conversation that you had with the  
16 defendant, Sam Snow, on April 23rd, 1975. Will you  
17 resume?

18 A I called Samuel Snow at his residence, at which time  
19 he stated that he was going down to New York City  
20 to pick up a quantity of cocaine sometime that  
21 weekend, meaning April 26th, 1975 and that I should  
22 call back in a couple days and talk and discuss the  
23 deal with Glen Snow. And then the phone conversation  
24 terminated.

25 Q Did you call him?

1 A Two days later on April 25th, 1975, I telephoned the  
2 residence of the Snows and talked to Glen Snow and  
3 he told me that his people were presently enroute  
4 from New York City with a quantity of cocaine and  
5 that Samuel Snow must have gotten the information  
6 messed up since all the cocaine had already been  
7 obligated to other people. And then Glen Snow  
8 stated to me I should call him in a couple weeks,  
9 and the phone conversation then terminated.

10 MR. O'SULLIVAN: I have no further  
11 questions, Your Honor.

12 THE COURT: Any cross-examination?

13 CROSS-EXAMINATION

14 BY MR. FISHER:

15 Q Mr. Mangor, when did you first meet Glen Snow?

16 A April 4th, 1975 in Menconi's Restaurant.

17 Q Had you ever seen Glen prior to April 4th, 1975?

18 A No.

19 Q Had you ever been to his house before that date?

20 A No.

21 Q You went to this -- is it Menconi's?

22 A Menconi's Restaurant.

23 Q Menconi's Restaurant. And you went there with a  
24 Mr. Votraw, correct?

25 A Mr. Votraw, correct.



1 Q And do I understand from your testimony that when  
2 you went to this restaurant in Ausable Forks, you  
3 sat at a table near the door, is that correct?

4 A Correct.

5 Q And is it also correct that you went there for the  
6 purpose of meeting or being introduced to Glen Snow  
7 or Sam Snow?

8 A Yes.

9 Q Is that right?

10 A Yes.

11 Q And what time did you arrive there on this occasion  
12 with Mr. Votraw?

13 A We arrived in Menconi's Restaurant at approximately  
14 9:15 p.m..

15 Q And do I understand from your testimony you arrived  
16 first and then Glen came in shortly thereafter, is  
17 that right?

18 A Yes, sir.

19 Q Was this a pre-arranged meeting of any sort or sheer  
20 coincidence?

21 A To my knowledge, it was a pre-arranged meeting.

22 Q All right. So Glen comes in the place and walks  
23 over to where you are and you are introduced to him,  
24 is that right?

25 A Yes, sir.

1 Q And how long would you say this conversation at the  
2 table between you and Glen and Votraw lasted before  
3 Glen left the table?

4 A An approximation, between 15 and 20 minutes.

5 Q And were you drinking at the table at the time?

6 A Yes, I was.

7 Q What were you drinking?

8 A Beer.

9 Q Was Votraw drinking at the table at the time?

10 A Yes, he was.

11 Q Were other customers at your table that you and  
12 Votraw were at before Glen came in?

13 A At one time or another, another customer came over  
14 and sat down, then left.

15 Q All right. Now, the conversation that you related  
16 between you and Glen, was all of that in the  
17 presence of Votraw?

18 A Yes, it was.

19 Q And this lasted some how long between the three of  
20 you at the table?

21 A Fifteen to 20 minutes.

22 Q And during that 15 or 20 minutes, did you buy Glen  
23 any drinks?

24 A I don't recall that I did. I recall that I purchased  
25 a pitcher of beer before Mr. Glen Snow arrived.



1 Q All right. Now, when you were introduced to Glen,  
2 what conversation took place?

3 A Do you want me to quote Mr. Votraw, what he said?

4 Q I want to know what happened from the time this man,  
5 Glen, came over to the table.

6 A Glen comes over. As he comes in, he comes over and  
7 he sits immediately at the table. Mr. Votraw makes  
8 an introduction, Paul, this is Glen or Glen, this  
9 is Paul, I don't recall which it is. And he states  
10 that Paul is interested in purchasing some cocaine.

11 Q What happened next?

12 A And then Glen states that he is going to New York  
13 City on Monday or Tuesday. And then I inquire as  
14 to quality. Mr. Glen Snow states that it is a high  
15 quality grade. And in the conversation, Mr. Glen  
16 Snow also asks me how much I want to buy. I told  
17 him I would like to purchase an ounce. He said  
18 that he would only be able to sell me a half-ounce  
19 because the other half-ounce had been obligated to  
20 other people. We then talked about price. Glen  
21 Snow states to me that he pays, in New York City,  
22 approximately 250 to \$300 per quarter-ounce for the  
23 cocaine.

24 Q All right. Now, what happened after that?

25 A After that we discussed in regards to telephone

1 numbers, getting in touch with each other in the  
2 near future. I believe Mr. Glen Snow asked me for  
3 my phone number. I wouldn't give it to him so he  
4 gives me his telephone number.

5 Q What happened then?

6 A During my conversation with Mr. Glen Snow, I produce  
7 a quantity of money.

8 Q And after that was done, what other conversation was  
9 there other than what you have already told us?

10 A I think that is all I recall at this time.

11 Q What you said just now, that lasted some 15 or 20  
12 minutes at the table?

13 A Fifteen or 20 minutes.

14 Q After the conversation ended, what did Glen do?

15 A Glen got out of his seat and went to some other  
16 part of Menconi's Restaurant Bar and then he left.

17 Q Did you see him physically leave the building, you,  
18 yourself?

19 A I am under the impression that I did see him leave  
20 the building himself, yes.

21 Q In relation to when you say Sam came into the  
22 building, how long prior to that did Glen leave?

23 A I would say that maybe a half-hour had elapsed.

24 Q Between the time that Glen left and Sam, the other  
25 fellow you identified, came into the place, about



1 a half-hour?

2 A Approximately a half-hour, yes.

3 Q You personally didn't go out and follow Glen to see  
4 where he was going, did you?

5 A No, I did not.

6 Q And you personally don't know where he went after he  
7 left, do you, you, personally?

8 A No, I do not.

9 Q Then the next thing you know, the other man, Sam,  
10 comes in and you are conversing with him, is that  
11 right?

12 A Yes, sir.

13 Q At any time during this first conversation, the  
14 conversation between you and Glen, was the name  
15 Sam used?

16 A I don't recall that it was.

17 Q Now, do I understand then that your conversation with  
18 Glen in reference to going to New York, purchasing  
19 this stuff, all these things you have testified to,  
20 Glen never referred to a person by the name of Sam  
21 that you could recall, did he?

22 A I don't recall now, no.

23 Q Now, at any time while you were talking to Sam,  
24 during this conversation you testified to about him  
25 coming in and talking to you, was it at the same

1 table?

2 A Yes, it was.

3 Q While Sam was at that table talking to you and  
4 Votraw, did Glen at any time return to that table?

5 A No, he did not.

6 Q Did he at any time, even from a distance, partici-  
7 pate in any conversation with you, Sam and this  
8 Votraw?

9 A No.

10 Q Did you, yourself, have any conversation that night  
11 with Glen in reference to him getting a loan  
12 somewhere?

13 A No, I did not.

14 Q So all that information that you testified to came  
15 from Sam, isn't that right?

16 A The information pertaining to the loan, yes.

17 Q And it came from Sam, not in the presence of Glen,  
18 isn't that also right?

19 A Yes, sir.

20 Q Now, I understand that after Glen left the table,  
21 you had nothing further to say or speak to him  
22 about that night, did you?

23 A No, I did not.

24 Q Then as I understand, there came a time when the  
25 first of these five telephone calls, you called



1 Menconi's Restaurant, is that correct?

2 A The first telephone.

3 Q And somebody there gave you a number to call, is  
4 that right?

5 A Yes, sir.

6 Q And thereafter there came a time when you did call  
7 and talk to Glen, isn't that right?

8 A Yes, sir.

9 Q Now, when you talked to Glen on that occasion, is  
10 that the one where you told him you were calling  
11 from Burlington?

12 A The second conversation, yes, it was the time I  
13 told him I was calling from Burlington, Vermont.

14 Q First you called the restaurant and neither of these  
15 two fellows were there, is that right?

16 A Yes.

17 Q Then the second telephone call that was involved,  
18 you called the phone and spoke to Glen, is that  
19 right?

20 A Yes, sir.

21 Q And at that time you told Glen you were in Burling-  
22 ton and that you, in effect, wanted to meet him in  
23 Plattsburgh, is that right?

24 A Yes, sir.

25 Q During that second call, was Sam's name mentioned

1 at all on the telephone?

2 A No, it was not.

3 Q All right. Then do I understand that there came a  
4 time when from a Howard Johnson's pay booth in  
5 Plattsburgh or Plattsburgh mall, you called Glen  
6 on the telephone at his house, is that right?

7 A Yes, sir.

8 Q And at the time of that telephone call, it was  
9 agreed between you and Glen that the two of you  
10 would meet in Plattsburgh after he got gas in his  
11 car and so forth, is that right?

12 A Yes, sir.

13 Q So that is the third call, right?

14 A That is my third contact with him,

15 Q Right. Now, on that contact when you called from  
16 the pay phone at Howard Johnson's in Plattsburgh,  
17 was the name Sam Snow mentioned at all?

18 A No, it was not.

19 Q All right. Then do I understand that there was  
20 another telephone conversation in reference to  
21 somebody's phone number that you called Glen, is  
22 that right?

23 A Yes, sir.

24 Q And isn't it a fact that the phone number that you  
25 were calling about was not Sam's number, was it?



1 A Correct, sir.

2 Q And in that fourth call in reference to a phone  
3 call to somebody, was the name Sam Snow mentioned  
4 at all?

5 A No, it was not.

6 Q Now, do I understand then that the next conversation  
7 you had was that -- could you tell me the date of  
8 the next conversation after that?

9 A The next conversation after April 9th would have  
10 been April the 11th.

11 Q All right. Now, that is Exhibit Number 5 in  
12 evidence, is that right?

13 A Yes, sir.

14 Q All right. Talking about the one of April 9th, do  
15 I understand that there came a time on the evening  
16 of April 9th when you actually met with Glen Snow,  
17 is that right?

18 A Yes, sir.

19 Q And at that time what arrangement was made between  
20 you and Glen?

21 A At the parking lot in the Howard Johnson's in my  
22 vehicle when I was talking to Glen Snow, he stated  
23 that he had come up \$200 short and that he wanted  
24 \$200 advance. He stated that the reason he came up  
25 with \$200 short was because Samuel Snow couldn't

1           come up with any money. He also stated that the  
2           cocaine he was going to acquire in New York City  
3           was of a high quality. He also said that after  
4           we consummate the first deal that I would only have  
5           to deal through Glen Snow.

6           Q     Prior to that you were dealing through Votraw,  
7                 isn't that right?

8           A     Correct.

9           Q     All right. And what happened? Go ahead.

10          A     And then he stated that I should contact him on  
11                 Friday.

12          Q     All right. Then we pass to this Exhibit Number 5,  
13                 is that right, the one in reference to your calling  
14                 up somewhere around 3:55 in the afternoon, is that  
15                 right?

16          A     On what date, sir?

17          Q     April 11th.

18          A     Yes, sir.

19          Q     Do you recall what day of the week that was?

20          A     It was on a Friday.

21          Q     And where did you call from?

22          A     At that time I called from my office.

23          Q     And isn't it true that the only conversation on  
24                 that cassette or that exhibit with Sam was that Sam  
25                 answered the phone, isn't that right?



1 A Yes, sir.

2 Q And at the time that you called, Sam immediately  
3 put Glen on the telephone, isn't that right?

4 A Yes, sir.

5 Q And then the events that you testified to, that Glen  
6 told you that three of them had made a trip and that  
7 there was no cocaine, isn't that right?

8 A Yes.

9 Q And did he not tell you at the time that this \$200  
10 was given to what's-his-name, meaning Votraw?

11 A Yes, sir.

12 Q And isn't it a fact that Votraw gave this money  
13 back to you?

14 A Yes, sir.

15 Q And isn't it also a fact that subsequent to that  
16 you called Glen Snow on several occasions trying to  
17 get him to buy stuff, coke, for you?

18 A I called him on other occasions after --

19 Q Was there ever a phone -- I didn't mean to in-  
20 terrupt you.

21 A I called on several occasions after April 11th, 1975.

22 Q Was there ever an occasion when Glen Snow originated  
23 a phone call to you?

24 A He didn't have my telephone number so he did not.

25

THE COURT: Was there ever an

1 occasion when he originated a phone call to you,  
2 yes or no?

3 THE WITNESS: No.

4 MR. FISHER: I have nothing further.

5 THE COURT: Mr. Hatch?

6 CROSS-EXAMINATION (continued)

7 BY MR. HATCH:

8 Q Mr. Mangor, that call on the 11th was to what place?

9 A Menconi's Restaurant, sir.

10 Q That is a place, it is a public place?

11 A Yes, it is.

12 Q Is it a big bar, a small bar?

13 A I would say the bar is about the length of this room  
14 and maybe half the size in width.

15 Q It is a local tavern?

16 A Yes, it is.

17 Q Is it located in the center of the village?

18 A Of Ausable Forks, yes, sir.

19 Q Ausable Forks. When you were in there on the first  
20 occasion, was there a number of people there?

21 A Numerous people, yes, sir.

22 Q That telephone number that was given to you of the  
23 Menconi Bar and Restaurant, you obtained that number  
24 yourself off the telephone, didn't you?

25 A Yes, I got it through a telephone directory.



1 Q And that wasn't Sam Snow's home, was it?

2 A I can't hear you.

3 Q That wasn't Sam Snow's home, was it?

4 A No, it was not.

5 Q Nor was it Glen's house?

6 A No, it was not.

7 Q On the night at the Howard Johnson's Restaurant,  
8 Sam Snow was not present, was he?

9 A No, he was not.

10 Q And have you ever seen Sam and Glen Snow together on  
11 any occasion?

12 A Yes, I have.

13 Q Did you see them on April 4th together?

14 A No, I did not.

15 Q. The 5th?

16 A No, I did not.

17 Q The 11th?

18 A No, I did not.

19 Q So between the 4th and the 11th, you never saw them  
20 together?

21 A No, I did not.

22 MR. HATCH: I have no further  
23 questions.

24 (Witness excused).

25 THE COURT: Call your next witness.

~~MR. O'SULLIVAN: Your Honor, may I~~

approach the bench?

THE COURT: You don't have to approach the bench.

MR. O'SULLIVAN: The next witness I had scheduled to put on will not testify without immunity.

THE COURT: All right. The jury may  
be excused.

(Jury leaves Courtroom).

THE COURT: Mr. O'Sullivan, did you ever hear of a pre-trial conference? When you have problems like this, you ask to see the Judge before trial and you clean them up.

MR. O'SULLIVAN: Yes, sir.

MR. FISHER: Your Honor, could I ask something not in the presence of the jury? I respectfully submit it is relevant. I know that the exhibit is in evidence, but I dispute the propriety of their going back and forth with it.

THE COURT: I wasn't aware that they were. Thank you for calling it to my attention.

Mr. Evans, would you collect those exhibits?

MR. O'SULLIVAN: I have been in



1 contact with people in Washington and they have  
2 now sent me a message. The Assistant Attorney  
3 General signed that immunity. He is going to  
4 teletype it here, and I have a motion to have  
5 Mr. Sullivan sign.

6 (The following is a discussion at  
7 the bench).

8 THE COURT: Did this come as a  
9 surprise? Didn't you know there was a trial here?

10 MR. O'SULLIVAN: They assured me  
11 last week they were going to have it here today.

12 THE COURT: I can't give him  
13 immunity without the proper credentials. Put on  
14 another witness.

15 MR. O'SULLIVAN: Well, I have other  
16 agents who -- I mean, subject to the objection.

17 THE COURT: I don't mean any  
18 accumulative evidence.

19 MR. O'SULLIVAN: I have one other  
20 witness, a representative from the bank.

21 THE COURT: All right, put him on.  
22 (In open Court).

23 MR. O'SULLIVAN: The Government will  
24 now call Mr. Francis J. Lawrence.  
25

1 FRANCIS J. LAWRENCE,  
2 having been called as a witness in behalf of the  
3 Government, was first duly sworn according to  
4 law and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. O'SULLIVAN:

7 Q Mr. Lawrence, will you tell us your occupation?

8 A Assistant Vice-President and Branch Manager of The  
9 National Commercial Bank and Trust Company in  
10 Ausable Forks, New York.

11 Q What are your duties as assistant vice-president?

12 MR. FISHER: We will stipulate that  
13 he is an assistant vice-president and that he is  
14 qualified to do whatever he is qualified for.

15 THE COURT: All right, get to the  
16 transaction.

17 BY MR. O'SULLIVAN:

18 Q Did there come a time when you negotiated a loan  
19 agreement with one Glen Snow?

20 A Yes.

21 Q Were you subpoenaed to be here today to bring some  
22 documents with you?

23 A Yes.

24 Q Do you have those documents with you?

25 A I have.



1 MR. O'SULLIVAN: May we mark copies  
2 instead of the original?

3 MR. FISHER: I have to see first.  
4 I will consent to the copies.

5 (Three bank documents marked  
6 Government's Exhibits 7, 8 and 9 for identification).

7 BY MR. O'SULLIVAN:

8 Q I show you now Government Exhibit Number 8 marked for  
9 identification. Can you identify that document?

10 THE COURT: Show him 8 and 9 together.  
11 It doesn't take as much time.

12 Q I show you Government's Number 9.

13 THE COURT: There is another one.

14 MR. O'SULLIVAN: I don't know what  
15 7 is.

16 Q I show you Government Exhibits marked Number 7, 8  
17 and 9. Will you identify those for us?

18 THE COURT: Are they documents kept  
19 in the regular course of business of your bank?

20 THE WITNESS: Yes, sir.

21 THE COURT: Is it part of your  
22 business to keep such documents?

23 THE WITNESS: Absolutely.

24 THE COURT: And are they made at  
25 about the same time as the transactions recorded

1 on them?

2 THE WITNESS: Yes, sir.

3 THE COURT: Offer them.

4 Any objections?

5 MR. HATCH: The only objection I

6 have is, Mr. Snow --

7 MR. FISHER: Your Honor, on behalf  
8 of Glen Snow, at this point in this trial, we object  
9 on the ground of relevancy. There has been no  
10 statements attributed to Glen Snow, this defendant,  
11 relative to an application for a loan for any  
12 particular purpose.

13 THE COURT: I will take them subject  
14 to connection.

15 MR. FISHER: With that understanding  
16 I have no objection.

17 THE COURT: Connection as to  
18 relevancy.

19 (Government Exhibits 7, 8 and 9  
20 for identification, received and marked in evidence).

21 BY MR. O'SULLIVAN:

22 Q Now, Mr. Lawrence, did you personally negotiate this  
23 loan with Glen Snow?

24 A I did.

25 Q Is the Glen Snow you negotiated the loan with, in



1 the Courtroom today?

2 A Yes.

3 MR. FISHER: I didn't hear that.

4 Somebody coughed.

5 MR. O'SULLIVAN: I am asking him if  
6 the Glen Snow he negotiated the loan with is in the  
7 Courtroom today.

8 THE WITNESS: Yes.

9 Q Can you point him out to us?

10 A At the end of the table here.

11 Q Which individual at that table are you pointing to?

12 A The right end of the table.

13 THE COURT: Let the record reflect  
14 he has identified the defendant, Glen Snow.

15 Q And do you recall now what the date of this trans-  
16 action was?

17 A I would have to refer to my record here. April 9th,  
18 1975.

19 Q What was the amount of that loan?

20 A There was a net amount he received of 600. The gross  
21 of the loan including interest and insurance was  
22 663.30.

23 MR. O'SULLIVAN: I have no further  
24 questions.

25

CROSS-EXAMINATION

1  
2 BY MR. FISHER:

3 Q Mr. Lawrence, were you subpoenaed to bring us one  
4 loan application, or do you have other applications  
5 for Glen?

6 A I have other loan applications with me.

7 Q Do you have them with you now?

8 A I don't have copies with me.

9 Q Do you have the original?

10 A No. I'm sorry, I do have copies. I don't have the  
11 original.

12 Q Could I see the copies?

13 A Yes. These are the only copies I have myself of the  
14 records.

15 Q What other papers are there in that file other than  
16 the ones admitted into evidence?

17 A Just memos, credit checks and so forth.

18 Q Could I see them, please?

19 A Yes.

20 Q Is there anything else in reference to Glen Snow in  
21 that envelope there, or file?

22 A Yes.

23 Q What is it?

24 A These are the copies of ones that you have.

25 Q Well, I already know about them, but in your other



1 hand, is there anything other than that in reference  
2 to Glen Snow that you brought with you today?

3 A Letters that I had sent to him. There is a news-  
4 paper clipping that I had clipped from the newspaper  
5 back on July 5th. There is a copy, a photo copy,  
6 of a subpoena that was served on the bank when it  
7 was originally requested to --

8 Q Let me see those papers.

9 A Certainly.

10 MR. FISHER: May I have just a  
11 minute, Your Honor?

12 Q Mr. Lawrence, I give you back the papers in my left  
13 hand, and these papers, can you tell me for how long  
14 has Glen been a customer of your loan department?

15 A Of my particular office, since August of 1971.

16 MR. O'SULLIVAN: I object to that,  
17 Your Honor. That is beyond the scope of this  
18 conspiracy here. It is back in '71. This happened  
19 in 1975.

20 THE COURT: Overruled.

21 BY MR. FISHER:

22 Q Mr. Lawrence, would you tell us how many applications  
23 Glen has made to your bank prior to the one of  
24 April 9th, '75 which is in evidence?

25 A Eight.

1 Q Pardon me?

2 A Eight, plus a student loan that I don't have the  
3 records here. They are in the discount loan file.

4 Q So he has had at least nine transactions involving  
5 loans with your bank other than the one that the  
6 papers are in evidence about?

7 A That's right.

8 MR. FISHER: I have nothing further.

9 CROSS-EXAMINATION (continued)

10 BY MR. HATCH:

11 Q Mr. Lawrence, on April 9th, 1975, was this appli-  
12 cation taken over the phone, was it personal with  
13 Mr. Glen Snow?

14 A It was done personally.

15 Q Do you recall the time?

16 A I wouldn't recall the time, I'm sorry.

17 Q Sam Snow wasn't with him, was he?

18 A I really couldn't say.

19 Q In other words, you don't recall whether he was  
20 there or he wasn't there?

21 A No, I do not.

22 MR. HATCH: No further questions.

23 THE COURT: You are excused. Next

24 witness.

25 (Witness excused).



1 MR. O'SULLIVAN: May I now approach  
2 the bench, Your Honor, with respect to the next  
3 witness?

4 THE COURT: The same problem?

5 MR. O'SULLIVAN: No.

6 THE COURT: All right, come up.

7 (Off-the-record discussion at bench).

8 THE COURT: The Government isn't  
9 ready with its next witness. We will have to take  
10 a recess. The trial, apparently, comes as a great  
11 surprise. It has only been on the calendar for a  
12 month.

13 Don't talk about the case. Don't  
14 let anybody talk about it with you.

15 We will recess now until tomorrow  
16 morning at 10 o'clock.

17 (Whereupon the trial was adjourned).

18 OCTOBER 7th, 1975

19 THE COURT: Is Mr. Votraw here?

20 MR. O'SULLIVAN: Yes, he is.

21 THE COURT: Bring him in.

22 JULIAN VOTRAW,  
23 having been called as a witness in behalf of the  
24 Government, was first duly sworn according to law  
25 and testified as follows:

1 THE COURT: Mr. Votraw, I understand  
2 that you will not testify in this case unless you  
3 are granted immunity from prosecution, is that right?

4 THE WITNESS: Yes.

5 THE COURT: I want to advise you,  
6 the Attorney General has granted immunity and I will  
7 now sign the Order which compels you to testify. It  
8 has granted you immunity from prosecution growing  
9 out of anything you say on this trial. Do you  
10 understand that?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: You can't be prosecuted.

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: And the Court will now  
15 sign the Order granting you immunity. Now you must  
16 testify under penalty of contempt. Do you understand  
17 that?

18 THE WITNESS: Yes, Your Honor.

19 (Jury enters Courtroom).

20 THE COURT: Good morning. All right,  
21 proceed.

22 DIRECT EXAMINATION

23 BY MR. O'SULLIVAN:

24 Q Will the witness state his name now?

25 A Julian Lorin Votraw.



1 Q Where do you live, Mr. Votraw?

2 A Ausable Forks, New York.

3 Q How long have you lived there?

4 A Twenty-two years.

5 Q Do you know Glen Snow?

6 A Yes, I do.

7 Q Is he in the Courtroom today?

8 A Yes, he is.

9 Q Would you point him out?

10 A The first gentleman at that table to the right.

11 MR. O'SULLIVAN: Let the record  
12 reflect that the witness has identified the defendant,  
13 Glen Snow.

14 Q Do you know Samuel Snow?

15 A Yes, I do.

16 Q Is he in the Courtroom today?

17 A Yes, he is.

18 Q Would you point him out?

19 A It is the gentleman at the far end of the table to  
20 my left.

21 MR. O'SULLIVAN: Let the record  
22 reflect the witness has identified the defendant,  
23 Samuel Snow.

24 Q Do you know a Benny Mangor?

25 A Yes, I do.

1 Q Who is he?

2 A He is a Federal narcotics agent.

3 Q Did you assist Agent Mangor in obtaining an intro-  
4 duction to Glen Snow and Samuel Snow?

5 A Yes, I did.

6 Q And how was this done?

7 A On April 4th, 1975 I went to the New York State  
8 Police Barracks in Westport, New York and I met  
9 with Agent Fitzpatrick and Agent Mangor, and I told  
10 them I could --

11 MR. FISHER: Your Honor, I object to  
12 any conversations between these people not in the  
13 presence of the defendant.

14 THE COURT: Could I have the  
15 question read?

16 (The pending question was read back  
17 by the Reporter).

18 THE COURT: Continue.

19 A (Continuing) That I could make arrangements for  
20 Agent Mangor to meet Glen Snow and Sammy Snow, and  
21 Agent Mangor would be introduced as my cousin, Paul.

22 THE COURT: You told them that?

23 THE WITNESS: Yes, I did, Your Honor.

24 THE COURT: All right. Overruled.

25



1 BY MR. O'SULLIVAN:

2 Q For what purpose?

3 MR. FISHER: Could I object for the  
4 purpose that it is calling for a state of mind?

5 THE COURT: Sustained.

6 Q After that, what did you do?

7 A After that I told them that I would meet them in the  
8 Elm Tree Inn in Canaan, New York at a later time  
9 that evening to tell them when this introduction is  
10 to take place. From Westport I proceeded to Ausable  
11 Forks, my home town, where I first encountered Glen  
12 Snow on the street next to his trailer. I told Glen  
13 Snow that my cousin, Paul, which was Agent Mangor,  
14 was in the area and that he was interested in pur-  
15 chasing some cocaine.

16 THE COURT: You didn't tell him that  
17 your cousin, Paul, was really Agent Mangor, did you?

18 THE WITNESS: No, I did not.

19 THE COURT: You didn't tell them that.  
20 You just said your cousin, Paul, was in the area,  
21 is that it?

22 THE WITNESS: Yes, my cousin, Paul,  
23 was in the area and he was interested in purchasing  
24 some cocaine. And I asked Glen if he would be  
25 interested in talking to him about it. Glen told me

1           that he would. I went from that encounter to my  
2           home where I refreshed, proceeded back to Main Street  
3           in my home town, went into the local tavern where I  
4           encountered Samuel Snow and I told Sammy that my  
5           cousin, Paul, was in town, in the area, and he was  
6           interested in buying some cocaine, and if he would  
7           talk to him about it. He said he couldn't promise  
8           me anything but he would agree to talk to him. So  
9           I left Menconi's and proceeded back to the Elm Tree  
10          Inn in Canaan, New York where I met again with  
11          Agent Fitzpatrick and Agent Mangor and I told them  
12          that --

13                               MR. FISHER: I object, respectfully,  
14                               to conversations between he and these men not in  
15                               the presence of these defendants.

16                               THE COURT: Yes, sustained. Please  
17                               hold the witness to competent testimony, Mr.  
18                               O'Sullivan, that is your job.

19           BY MR. O'SULLIVAN:

20           Q       Well, did you give Agent Mangor any further  
21                   assistance?

22           A       Yes, I brought Agent Mangor to Menconi's Restaurant  
23                   in Ausable Forks where we went in and sat down. A  
24                   short time later Glen came to the table and I  
25                   introduced Glen Snow to Agent -- to my cousin, Paul,



1 and a conversation took place. At the termination  
2 of the conversation, he got up from the table and  
3 left. It wasn't too long after that that Sammy  
4 Snow came through the door, noticed me. He sat  
5 down at the table and I introduced Sammy to my  
6 cousin, Paul. They carried on a conversation for a  
7 period of time. At the termination of that conver-  
8 sation, Sammy got up from the table and he left.  
9 It was a few minutes after that Agent Mangor and I  
10 finished our drink and we left the bar.

11 Q Did you assist Agent Mangor after that time?

12 A There was a time after, two to three days after that  
13 first meeting where Glen Snow called me on the  
14 telephone in Brewster, New York where I was working,  
15 at the motel where I was staying at and he told me  
16 that he needed \$200 to complete the deal in New York  
17 City and he asked me if I could come up with the  
18 \$200. I told him I couldn't but I would talk to  
19 my cousin, Paul, to see if he could possibly come  
20 up with the \$200. Our conversation ended and I  
21 contacted my cousin, Paul.

22 Q All right. After that time, did you have any  
23 further contact with Samuel or Glen Snow?

24 A Then a couple days after that to talk on the  
25 telephone that Glen and Sammy came down to Brewster

1 in Glen's car to my motel.

2 Q What would that date be, the date of that meeting  
3 at your motel room, as best you can recollect?

4 A To the best of my recollection, it would be the 10th.

5 Q April 10th?

6 A Yes.

7 Q Give me the full date.

8 A April 10th, 1975.

9 Q Why did they come down to meet you there?

10 A They came down to Brewster to pick me up and we were  
11 going to New York City to obtain some cocaine.

12 Q Now, were you going to obtain some cocaine?

13 A Yes, I was going to purchase -- I was going to  
14 obtain a quarter-ounce of cocaine for a person that  
15 I had been working with who requested a quarter-ounce  
16 of cocaine and I told him I could make arrangements  
17 to acquire it.

18 Q From whom, where or from whom did you expect to get  
19 this cocaine?

20 A I expected to get the cocaine from Glen and Sammy  
21 and from their contact in New York.

22 Q Well, was there any conversation between you and  
23 Glen and Sammy when you were at your motel room in  
24 Brewster, New York with respect to that transaction?

25 A Previously I had told them that I had a person I was



1 working with that was interested in cocaine and that  
2 he would be willing to buy some from them, and when  
3 they came to Brewster that day, I confirmed it and  
4 said the guy was ready to buy the cocaine and that  
5 he would have the money there for me the next  
6 morning.

7 Q Well, did you go to New York City with Sammy and  
8 Glen Snow?

9 A Yes, a short while after they arrived in Brewster,  
10 within a half-hour, we left for New York.

11 Q Was there any conversation on the trip down to New  
12 York City with respect to any drug transactions?

13 A Glen had said that, or expressed to me, he said that  
14 he felt very insecure about any transaction taking  
15 place with my cousin, Paul, that he thought he was a  
16 very peculiar sort of person, kind of strange. I  
17 think he used the word jerk, that he had a lot of  
18 reservations about having any dealings with the man.  
19 Sammy also expressed or said to me that he felt the  
20 guy was rather peculiar and he too had reservations  
21 about doing any kind of transactions with the guy.  
22 I agreed with them and I said, "I can't say that I  
23 blame you. I felt that he was rather peculiar  
24 myself", and I told them that other than the fact  
25 that he was my cousin, I probably wouldn't have any

1 transaction to do with him myself. I also told them  
2 that if they did not want to do any dealings with  
3 him, there would be no hard feelings on my part.

4 Q Well then, tell us what happened when you got to  
5 New York City.

6 A When we arrived in New York City, we met these two  
7 people, John Simons and Neil Cohen in front of  
8 John's apartment. These were the people we arranged  
9 to meet. And on the way in the apartment, Glen  
10 handed me \$200 and he said, "This is your cousin's  
11 money", and he said that he was relieved that he  
12 wasn't going to make any transactions because he  
13 had so many reservations about it. We proceeded  
14 from the street into John's apartment. We went in  
15 and we sat down, had a few beers, got some beer  
16 and Sangria, and Neil Cohen had left the apartment,  
17 periodically, to try to obtain some cocaine.

18 MR. FISHER: I object to that  
19 statement, Your Honor.

20 THE COURT: Yes, sustained. Tell  
21 us what he said, what conversation you heard, if  
22 any.

23 THE WITNESS: I don't recall any  
24 particular conversation, Your Honor.

25 THE COURT: Did he say anything to



1                   you?

2                   THE WITNESS: Mr. Cohen?

3                   THE COURT: Well, did either of the  
4 defendants or anyone else speak to you in the  
5 presence of either of those defendants, say anything?

6                   THE WITNESS: I don't recall.

7 BY MR. O'SULLIVAN:

8 Q       What was the conversation between you and Glen and  
9 Sammy and this John Simons and Neil Cohen when you  
10 were in the apartment?

11 A       We were talking about current events, and Neil said  
12 he was going out to try to make his contact to buy  
13 cocaine which we had gone down for.

14 Q       All right. Was Neil able to make a contact?

15 A       He tried several times and he wasn't, and in one  
16 instance he left and he came back and he had acquired  
17 a half-ounce of cocaine that we attempted -- went  
18 down for, and he brought back with him, a cutting  
19 substance. He handed it to Glen who looked at it  
20 and tasted it and passed it around to Sammy who  
21 looked at it and tasted it and passed it to me.  
22 I looked at it, felt it, tasted it and passed it  
23 on to John, and then turned it back to Glen. We  
24 brought it to the kitchen table where we put it  
25 out on the table and cut it with the cutting agent

1 and we made up a quantity in excess of a few  
2 quarters of an ounce. We divided the cocaine up  
3 into what we considered were equal quarter-ounce  
4 lots, put them in plastic bags and Glen put them in  
5 his coat pocket and we left the apartment shortly  
6 after that, and there was no more conversation or  
7 any transaction pertaining to the cocaine the rest  
8 of the evening.

9 Q And after this party, what happened?

10 A After the party, it was about 2 o'clock in the  
11 morning, this other apartment that we went to, we  
12 left and we went back to my motel room in Brewster.

13 Q Did anything take place in the motel room in  
14 Brewster?

15 A About 7:30 that same morning, the man that I had  
16 arranged to sell a quarter-ounce of cocaine to, came  
17 to my room and said he had the money. I took one  
18 of the packages of cocaine out of Glen's pocket and  
19 I showed it to him, let him look at it. He sampled  
20 it and he seemed satisfied. He handed me the \$350  
21 and he said, "I'll see you at work". And since I  
22 had actually no money of my own involved, I handed  
23 the \$350 over to Glen and he put it in his wallet.

24 Q Was Sam Snow present when this takes place?

25 A Yes, he was.



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THE COURT: Where were you when  
this took place?

THE WITNESS: This was in my motel  
room in Brewster, New York.

THE COURT: Sam was in the room?

THE WITNESS: Yes, he was in the  
room.

BY MR. O'SULLIVAN:

Q Did you put up any money for this cocaine that all  
of you acquired in New York City?

A No, I didn't. My obligation was that I had a person  
that would buy a quarter-ounce of cocaine.

Q Were you given any money for arranging this sale to  
your friend in Brewster?

A No, I wasn't given any money.

Q Did you get anything for that effort?

A I was given a small amount of cocaine for my own  
personal use, probably in the vicinity of three grams.

Q Who gave that to you?

A Glen gave me that.

Q Was Sam Snow present when he gives you that?

A Yes, he was.

Q Was there any conversation as to what Sam Snow and  
Glen Snow were going to do with the remaining half-  
ounce of cocaine?

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MR. FISHER: I object to leading questions.

THE COURT: Sustained.

Q Was there any further conversation between you and Sam and Glen Snow with respect to any drug transaction?

A No, there wasn't. It was close to the time for me to start work and I left the motel room.

MR. O'SULLIVAN: No further questions.

MR. FISHER: May I ask Mr. O'Sullivan a question about an undated document, Your Honor.

THE COURT: Yes, you may.

(Mr. Fisher talks to Mr. O'Sullivan).

MR. FISHER: Can we check a date, Your Honor, which is relevant to the cross-examination? This document is not dated and he has to check it.

THE COURT: There is no place like a Courtroom to prepare a case.

(Mr. O'Sullivan leaves Courtroom and returns).

CROSS-EXAMINATION

BY MR. FISHER:

Q Mr. Votraw, you are how old at the present time?

A I am 22 years old.

Q Do you have a police record?



1 MR. O'SULLIVAN: I object to that,  
2 Your Honor.

3 THE COURT: Sustained.

4 Q Have you ever been convicted of a crime?

5 A No, I haven't.

6 MR. O'SULLIVAN: Objection.

7 THE COURT: Overruled.

8 MR. O'SULLIVAN: A crime?

9 THE COURT: Yes. Overruled.

10 A (continuing) I have never been convicted of a crime.  
11 BY MR. FISHER:

12 Q Will you answer the question?

13 A I have never been convicted of a crime.

14 Q How long have you known Glen Snow?

15 A I would say 10 to 12 years. We grew up in the same  
16 town together.

17 Q That town was what?

18 A Ausable Forks, New York.

19 Q How long have you known Sam Snow?

20 A About the same length of time.

21 Q And did you go to the same schools with them?

22 A No, I did not.

23 Q Do you know where Menconi's Restaurant is in Ausable  
24 Forks?

25 A Yes, I do.

1 Q And have you, from time to time, prior to the  
2 events you testified to here today, met Glen Snow  
3 at this tavern or restaurant?

4 A Yes, I have.

5 Q And have you had occasion to drink with him at this  
6 restaurant?

7 A Yes, I have.

8 Q And also to be with and drink with Sam Snow at this  
9 restaurant?

10 A Yes, I have.

11 Q Now, I am directing your attention to April 4th,  
12 1975. Do you recall that date?

13 A Yes, I do.

14 Q What was your then occupation?

15 A My occupation is a cable splicer for American  
16 Telephone and Telegraph.

17 Q And how long have you had that occupation?

18 A Approximately three and a half years.

19 Q Now, did you have occasion to meet one Benny Mangor  
20 on April 4th, 1975?

21 A Yes, I did.

22 Q And prior to that date, had you ever met this man,  
23 Benny Mangor?

24 A No, I have not.

25 Q And do I understand from your testimony that the



1 first time you met this man was at the Westport  
2 barracks of the New York State Police?

3 A Yes, it was.

4 Q And at the time that you met with him, was he intro-  
5 duced to you as a drug enforcement agent?

6 A Yes, he was.

7 Q Undercover agent?

8 A Yes, he was.

9 Q And thereafter did you not proceed to Ausable Forks  
10 and talk to Glen Snow?

11 A Yes, I did.

12 Q And what did you tell Glen when you found him that  
13 day after meeting this agent?

14 A I told Glen that I had a cousin that was in the  
15 area that was interested in purchasing cocaine.

16 Q And what did he say to you?

17 A He said he would talk to him about the possibilities  
18 of making arrangements for him to purchase some  
19 cocaine.

20 Q What did you say to Glen?

21 A I said, well, I will be bringing him back into  
22 Ausable Forks at a later time this evening and that  
23 I would meet him in Menconi's Restaurant.

24 Q And what time of the day did you tell this to  
25 Glen at his home?

1 A I would say roughly 7 o'clock in the evening.

2 Q All right. And thereafter did you go and find Sam  
3 Snow?

4 A Yes, I did.

5 Q Where did you find Sam?

6 A In Menconi's Restaurant.

7 Q And did you have a conversation with Sam in  
8 reference to meeting this undercover agent that  
9 evening?

10 A Yes, I did.

11 Q What did you tell Sam?

12 A I told him that I had a cousin in the area that was  
13 interested in purchasing some cocaine and I asked  
14 him if he would be interested in talking to him  
15 about it.

16 Q What did he tell you?

17 A He said he couldn't promise me anything but he would  
18 be willing to talk to him about it.

19 Q And thereafter do I understand that you then went  
20 to your home and freshened up, or whatever you said?

21 A I freshened up between the time I saw Glen and the  
22 time that I saw Sam.

23 Q And then did you then proceed to someplace else  
24 where Agent Mangor was?

25 A Yes, I proceeded to Keene, New York to the Elm Tree



1 Inn.

2 Q And at the Elm Tree Inn, did you pick up this agent  
3 and bring him back to Menconi's Restaurant?

4 A Yes, I did.

5 Q What time did you arrive at Menconi's Restaurant?

6 A I would say roughly 8:30.

7 Q And for the course of the evening, what time did you  
8 leave Menconi's Restaurant after you arrived there?

9 A I would say roughly 10:30.

10 Q And during this two-hour period, had you had anything  
11 to drink?

12 A Yes, I had.

13 Q Will you tell the jury what you drank?

14 A I drank maybe several glasses of beer. We had  
15 ordered a pitcher of beer.

16 Q And did you drink anything else other than beer?

17 A I had a couple of drinks at the Elm Tree Inn with  
18 Agent Mangor and Agent Fitzpatrick.

19 Q And then do I understand there came a time after  
20 you arrived there with this undercover agent that  
21 Glen Snow arrived, is that right?

22 A He came over to my table, yes.

23 Q All right. And when he came over to your table,  
24 what was said and by whom?

25 A I introduced Glen to the undercover agent and I

said, "Glen, I want you to meet my cousin, Paul.  
Paul, this is Glen."

Q And what was said by either you, the agent or Glen  
thereafter in sequence, who said what?

A To the best of my recollection, the conversation that  
took place between Glen and Agent Mangor.

Q Were you present during this conversation?

A Yes, I was.

Q And what conversation do you recall between these  
two men?

A I remember Glen mentioning to Agent Mangor that he  
would be going to New York City, that the price of a  
quarter-ounce of cocaine would be in the vicinity of  
250 to \$300 for a quarter-ounce and that the  
availability of a cutting substance, there would be  
an availability of a cutting substance if it was  
necessary.

Q Are these three items just like that mentioned by  
Glen Snow to this agent in your presence?

A No, it was not.

Q Well, as best you can recall, after you introduced  
Glen Snow to this agent, what conversation did you  
hear between the two men?

A Initially I heard the conversation start with Glen  
telling Agent Mangor that they would be going to New



1 York.

2 Q Was anything said by this agent before Glen told  
3 him that he would be going to New York?

4 A I do not recall.

5 Q So is this the first thing that you recall hearing,  
6 or were there things that you didn't hear?

7 A That was the first thing that I heard of the  
8 conversation.

9 Q How long were these men talking to each other before  
10 you heard Glen say to this man in your presence that  
11 he was going to New York?

12 A In the vicinity of two to three minutes.

13 Q And you don't recall anything that was said before  
14 that, after this introduction?

15 A No, I do not.

16 Q And after Glen said that he would be going to New  
17 York, what is the next thing you heard either of  
18 these men say to each other?

19 A I heard Glen mention to Agent Mangor that the going  
20 price for cocaine was in the vicinity of \$250 to  
21 \$300 per quarter-ounce.

22 Q And how long after the statement about going to New  
23 York did you hear this statement about the price  
24 of cocaine?

25 A I would say roughly 10 minutes.

1 Q Ten minutes later?

2 A Yes.

3 Q During this interval of 10 minutes, you have no  
4 recollection of the conversation between these two  
5 men?

6 A No, I wasn't paying that close attention.

7 Q But you were paying attention when Glen Snow stated  
8 he was going to New York, you were paying attention  
9 when Glen Snow mentioned the price of cocaine and  
10 this cutting equipment, right?

11 A I overheard that, yes.

12 Q Now, what is the next thing you overheard after the  
13 matter of the price of cocaine?

14 A I overheard Agent Mangor tell him that the price --  
15 he could handle that price category.

16 Q How long after you heard Glen say that the price was  
17 what he said did you overhear the agent say that he  
18 could handle the price?

19 A It was immediately after.

20 Q And after he said he could handle the price, what  
21 was the next thing that was said or that you observed?

22 A The next thing that was said was that Glen told  
23 Agent Mangor that there would be a cutting substance  
24 available.

25 Q Was that immediately after he said he could handle



1 the price?

2 A Within a few minutes.

3 Q Well, by a few minutes, was there other conversation  
4 that you didn't hear between the time he said there  
5 was a cutting substance?

6 A Yes.

7 Q And what next did you overhear between these two  
8 men while you were at the table?

9 A I overheard Glen ask Agent Mangor for his telephone  
10 number.

11 Q And what happened next?

12 A Agent Mangor refused to give it to him.

13 Q What did he say then?

14 A He said, "No, I don't want to give you my phone  
15 number. If you want to get ahold of me, contact  
16 Jules."

17 Q And you are Jules, right?

18 A And I was Jules, yes.

19 Q And after Agent Mangor said that in your presence,  
20 what next did you overhear in listening to them?

21 A Agent Mangor asked Glen for his number. Glen wrote  
22 it on a piece of paper and handed it to Agent Mangor.

23 Q What happened next?

24 A They conversed. I don't recall what the conversation  
25 was.

1 Q Well, for how long a period after the phone number  
2 was given did these men converse before you next  
3 overheard or listened to any conversation between  
4 the two of them?

5 A Excuse me, I don't quite get that.

6 MR. FISHER: May we have that  
7 question read back, please?

8 (The pending question was read back  
9 by the Reporter).

10 A (Continuing) After the phone number, that is the  
11 last recollection of our conversation between the  
12 two that I recall.

13 Q Did they continue to talk and you don't recall the  
14 conversation, or you didn't hear it?

15 A I wasn't paying attention. Yes, they did continue  
16 to talk.

17 Q All right. Now, how long did they continue to talk  
18 without your paying attention before they stopped  
19 conversing?

20 A I would say roughly another 10 minutes.

21 Q And then what happened?

22 A Glen got up and left the table.

23 Q And did he ever return to the table thereafter that  
24 evening?

25 A No.



1 Q From the time that you introduced Glen to this  
2 agent until the time Glen got up and left the table,  
3 how much time transpired?

4 A The time that he sat down until the time that he left?  
5 According to the time when you introduced him, yes,  
6 my question is from the time you introduced him.

7 A I would say roughly 40 minutes.

8 Q And during that 40 minutes, the only things that you  
9 can recall these two men talking about are that  
10 which you just described now?

11 A Yes, it is.

12 Q Do you recall now or do you have any recollection  
13 now of anything else these men talked about?

14 A No, I do not.

15 Q Did you make any notes or memoranda in reference to  
16 this conversation with Glen Snow that evening?

17 A No, I did not, I didn't feel it was necessary.

18 Q And did you read various statements of yours before  
19 coming into Court today?

20 A Yes.

21 Q Now, this trip to New York City, when did you first  
22 hear of this trip by Glen to New York City that you  
23 were involved in?

24 A In respect to the conversation with Agent Mangor or  
25 just to the trip itself?

1 Q In respect to a proposed trip of Glen to New York  
2 City, picking you up.

3 A I would say within a couple weeks prior to the  
4 meeting with Special Agent Mangor.

5 Q Within a couple weeks prior to your being introduced  
6 to Mr. Mangor?

7 A Yes.

8 Q Right?

9 A Yes.

10 Q So is it a fair statement that you and Glen had  
11 planned a trip to New York City long prior to the  
12 time that you introduced Mr. Mangor to Glen Snow,  
13 is that a fact?

14 A Yes, it is.

15 Q Now, when did you get transferred or sent to  
16 Brewster, New York with your company prior to April  
17 9th or April 10th, 1975?

18 A I had been there for a considerable length of time,  
19 roughly in the vicinity of six weeks.

20 Q So that the plan for Glen to come to Brewster and  
21 for you people to go to New York was formulated  
22 while you were having this motel or room at this  
23 place in Brewster, is that right?

24 A Yes, it is.

25 Q Now, how long after Glen left this table did Sam



1 Snow arrive at the table?

2 A Roughly 20 minutes, a half-hour, in that vicinity.

3 Q And when Sam arrived in the vicinity, did there  
4 come a time when you talked to him?

5 A Yes, he stopped at the table and we exchanged  
6 salutations and I made the introduction.

7 Q Now, did you make any observation in reference to  
8 Sam's physical condition at that time?

9 A Yes.

10 Q What observations did you make?

11 A It was my observation that Sam was considerably  
12 inebriated.

13 Q Intoxicated?

14 A Intoxicated.

15 Q Drunk?

16 A Yes.

17 Q And did you have any conversation with him in the  
18 presence of this agent as to how much he had to  
19 drink that day up to that point?

20 A I do not recall.

21 Q Do you recall any conversation with him as to where  
22 he had been and when he started drinking?

23 A No, I do not recall.

24 Q Was he in the company of any other people when he  
25 came over to this table that you were at with this

1 agent?

2 A No, he wasn't.

3 Q All right. And after you introduced him to the  
4 agent, will you tell us what happened next at your  
5 table?

6 A I made the introduction to the agent and they  
7 conversed for a half-hour, 40 minutes.

8 Q Now, during this half-hour or 40 minutes, did you  
9 participate in any conversation at that table with  
10 Glen or Sam Snow?

11 A I do not recall.

12 Q And can you tell us about any of the conversation  
13 between Sam Snow and this agent during this 30 or  
14 40 minutes?

15 A No, I cannot.

16 Q What were you doing while these two men were  
17 conversing?

18 A I was talking to some other friends in the  
19 restaurant.

20 Q And were you at this table for this 30 or 40-minute  
21 period while you say these two men were conversing?

22 A Yes, I was.

23 Q And for how much of this 30 or 40-minute period did  
24 you remain at the table with these two men?

25 A The entire time.



1 Q You didn't get up and leave the table?

2 A No, I didn't.

3 Q And did these other people that you say you were  
4 conversing with, did they come to your table and sit  
5 down?

6 A No, they didn't sit down. They were standing next  
7 to the table for a period of time. There were some  
8 friends of mine that were sitting at the table to  
9 my back, behind me, and I was talking to them, and  
10 other people would be passing by, stopping momentar-  
11 ily to exchange salutations.

12 Q Now, all of this traffic, if I can use the word, or  
13 friends or people that you were exchanging salu-  
14 tations with, was there any traffic like that while  
15 you were talking to Glen earlier in the presence of  
16 this agent?

17 A Not to that extent.

18 Q But in reference to Sam Snow, the 30 or 40-minute  
19 period, you have no recollection of any of the  
20 conversation, is that right?

21 A I do not recall any conversation between Glen Snow  
22 and Agent Mangor.

23 Q Was Sam drinking in your presence?

24 THE COURT: You said Glen Snow.

25 THE WITNESS: I'm sorry, Your Honor,

1 I meant Sam.

2 THE COURT: He didn't recall any  
3 conversation between Agent Mangor and Sam Snow.  
4 He misspoke and said Glen when he meant Sam.

5 MR. FISHER: Oh, I'm sorry. Thank  
6 you, Your Honor.

7 BY MR. FISHER:

8 Q Did Sam drink anything in your presence?

9 A I do not recall.

10 Q Were you drinking in the presence of Sam?

11 A Yes, I was.

12 Q While Sam was there, how much did you have to drink?

13 A Probably --

14 Q From the time Sam arrived until the time your  
15 presence with --

16 A In the vicinity of four or five glasses of beer.

17 Q You did?

18 A Yes, I did.

19 Q And while Sam was talking, did he have any trouble  
20 sitting at the chair, keeping his balance?

21 A I didn't pay that particular notice when he was  
22 sitting.

23 Q Was there any of the employees of this restaurant  
24 that asked Sam to leave in your presence?

25 A No, there wasn't.



1 Q Was he making any noise?

2 A No, he wasn't.

3 Q But notwithstanding that, it was your opinion he  
4 was intoxicated when he arrived?

5 A Yes, it was.

6 Q Was it your opinion he was intoxicated while he  
7 remained at the table?

8 A I would say yes.

9 Q Was it your opinion he was intoxicated when he left?

10 A Yes.

11 Q Now, after Sam left, do I understand that you some-  
12 time later, about 10:30, left with this Agent Mangor  
13 is that right?

14 A That's correct.

15 Q And when next did you have any conversation with  
16 Glen Snow after the evening of April 4th, 1975?

17 A I am sure, yes, we had.

18 THE COURT: Please keep your voice  
19 up.

20 THE WITNESS: I'm sorry, Your Honor.

21 THE COURT: What did you say?

22 THE WITNESS: I said, yes, we had  
23 conversed after that original meeting.

24 BY MR. FISHER:

25 Q All right. Now, this incident that you told us

1 about, these two incidents, meeting the undercover  
2 agent and these other things you did that day and  
3 going to Menconi's Restaurant, these all happened  
4 on what date?

5 A April 4th, 1975.

6 Q Do you have any recollection of what day of the  
7 week that was?

8 A It was a Friday.

9 Q April 4th was a Friday?

10 A Yes, because I had come home from work.

11 Q All right. And the place that you came home from  
12 work was Brewster, is that right?

13 A I had come home from Brewster, yes.

14 Q All right. Now, after those events on the 4th, when  
15 did you next have occasion to talk to Glen Snow?

16 A Saturday night.

17 Q That would be April 5th?

18 A April 5th, yes, that would be correct.

19 Q And was there any conversation on that date, April  
20 5th, that you testified to Mr. O'Sullivan?

21 A Excuse me?

22 Q Did you testify in Court about seeing Glen Snow on  
23 April 5th?

24 A Did I testify that I saw them on April 5th?

25 Q Yes.



- 1 A No.
- 2 Q Do I understand then that you saw him on April 5th?
- 3 Where?
- 4 A In Menconi's, at the bar, when I went in.
- 5 Q And did you see him on the 6th?
- 6 A I don't recall, but I may have.
- 7 Q And then when did you go back to work after being
- 8 up for the weekend where Friday was the 4th of April?
- 9 A I went back to work approximately 2 o'clock Monday
- 10 morning.
- 11 Q Two a.m. in the morning?
- 12 A Yes.
- 13 Q How many times did you see Glen in Ausable Forks
- 14 after you introduced him to this agent before you
- 15 went back to work?
- 16 A I really don't know.
- 17 Q Were all of these occasions while drinking at
- 18 Menconi's Restaurant?
- 19 A Yes, it was.
- 20 Q When did you next, after going back to Brewster,
- 21 have contact with Glen Snow?
- 22 A To the best of my recollection, it was when he
- 23 called me.
- 24 Q And when did he call you?
- 25 A I am not sure of the date. I think, to the best of

- 1 my recollection, it would be on a Wednesday.
- 2 Q What date of the month would Wednesday have been?
- 3 A The 9th.
- 4 Q Pardon me?
- 5 A The 9th.
- 6 Q The 9th. And when he called you on the 9th, can
- 7 you tell the jury what time of the day he called you?
- 8 A I would say approximately 7 o'clock in the evening.
- 9 Q And when he called you at 7 o'clock in the evening,
- 10 what conversation did you have with Glen at that
- 11 time?
- 12 A Glen had told me that he needed \$200.
- 13 Q The exact conversation. What did he tell you and
- 14 what did you say to him?
- 15 A He said he needed \$200 to make the deal in New York
- 16 City. He then asked me if I could come up with
- 17 \$200 and I told him I couldn't do it.
- 18 Q Now, this New York City trip, this is the one that
- 19 you and he had planned sometime before you intro-
- 20 duced this agent to him, isn't that a fact?
- 21 A Yes, it is.
- 22 Q And then he called you on the telephone and said
- 23 that he needed \$200 for the purpose of this trip
- 24 to New York City?
- 25 A Yes, it was.



1 Q And the purpose of the trip to New York City is a  
2 trip that he had planned with you, is that right?

3 A Yes.

4 Q And what did you say to him?

5 A I told him I didn't have the \$200 on me and that I  
6 would try to get hold of my cousin and see if he  
7 could front the \$200.

8 Q Now, this original trip that you planned, that had  
9 nothing to do with this Agent Mangor, did it?

10 A Not on the original trip, no.

11 Q And when he called you at 7 o'clock on the evening  
12 of April 9th, was the name Mangor or Paul mentioned  
13 by Glen to you on the telephone?

14 A Other than he questioned me if I thought that Paul  
15 would put up the \$200.

16 Q Aren't you the one that suggested getting the \$200  
17 from Paul?

18 A Yes, I am the one that suggested it.

19 Q He didn't, I am pointing at Glen, Glen didn't call  
20 you and ask you to get \$200 from Paul, did he?

21 A No, he did not.

22 Q And it was your suggestion that you call this Paul  
23 and see if he would give him the \$200 so that you  
24 and Glen could continue with these plans to go to  
25 New York, is that a fact?

1 A Yes, it is a fact.

2 Q Now, what else was said on the telephone at the time  
3 of this conversation between you and Glen at your  
4 motel in Brewster, if anything?

5 A I told him that I would be working the next day  
6 until 4 o'clock and if he could get the money from  
7 my cousin, Paul, that he could come to Brewster any  
8 time after four and I would be ready to go to New  
9 York with him.

10 Q All right. Now, who was the person that you say  
11 you sold some coke to?

12 A It was a person that I work with.

13 Q And who is that person?

14 A His name?

15 Q Yes.

16 A Ronald Seeley.

17 Q And is he a person that is a fellow employee of  
18 yours?

19 A Yes, he is.

20 Q When did he contact you in reference to a purchase  
21 of cocaine?

22 A I contacted him.

23 Q When did you contact this man in reference to a  
24 purchase of cocaine?

25 A In the vicinity of the time that Glen and I had made



1 arrangements to go to New York City.

2 Q And how long, again, prior to April 9th, the date  
3 of your telephone call to Glen in reference to this  
4 \$200, how long before that had you made arrangements  
5 with this man to sell him cocaine?

6 A I would say within two weeks prior.

7 Q And your arrangements to sell this man coke was  
8 also done long before you introduced Glen to Paul,  
9 isn't that a fact?

10 A Yes, that is a fact.

11 Q Is it also not a fact that Glen's going to New York  
12 and Brewster, picking you up and going to New York  
13 had nothing to do with Paul, did it?

14 A Basically, no.

15 Q After you hung up from this conversation with Glen,  
16 did you call Paul?

17 A No, I did not. I contacted the agent in charge,  
18 Mr. Fitzpatrick.

19 Q And thereafter did there come a time, to your  
20 knowledge, when Agent Mangor, known as Paul, called  
21 Glen Snow?

22 A I wasn't aware of the contact between Agent Mangor  
23 and Glen Snow until the following day.

24 Q What time the next day did Glen arrive at your --  
25 is motel the right word?

1 A. It is a motel.

2 Q What time the next day, April 10th, did Glen arrive  
3 at this motel?

4 A Roughly 6 o'clock.

5 Q In the evening?

6 A In the evening, yes.

7 Q And who was with him at the time?

8 A Samuel Snow was with him.

9 Q When did you first find out that Samuel was going  
10 to be on that trip?

11 A When we had made the original arrangements to go to  
12 New York City.

13 Q Then the three of you were to go from your motel  
14 to New York City, right?

15 A That is correct.

16 Q The original plan between you and Glen and Sam, if  
17 he was included in it, was to stay in New York City  
18 for how long?

19 A Originally -- I had to be back Friday morning to  
20 work, but they had intended to stay down for a  
21 couple days.

22 Q And you went with these two men into New York City,  
23 is that right?

24 A Yes, I did.

25 Q And when you met Glen and Sam, they came down to



1 your motel and picked you up, and how long were the  
2 three of you in your motel before you left?

3 A Approximately a half-hour.

4 Q And during that half-hour period, isn't it a fact  
5 that Glen gave you this \$200?

6 A No, it is not.

7 Q When did he give you the \$200, on the way down to  
8 New York?

9 A He gave me the \$200 on the way into John Simons'  
10 apartment.

11 Q So that before you got to this Simons' apartment,  
12 you had Agent Mangor's \$200, right?

13 A Yes, I did.

14 Q Right. Now, did you have any conversation with Glen  
15 in your apartment or on the way to John Simons'  
16 apartment in reference to this agent, who he was?

17 A Yes, we did.

18 Q As to who he was?

19 A Not as to who he was, no.

20 Q What conversation did you have in reference to this  
21 man, Paul?

22 A The conversation we had, they expressed their  
23 concern about his peculiar behavior and mannerism.

24 THE COURT: You say they. I'm sure  
25 they didn't join in a chorus. Can you tell us which

1 one said what?

2 THE WITNESS: I'm sorry, Your Honor.

3 Yes, Your Honor, Glen first mentioned to me, he  
4 said that --

5 THE COURT: First of all, tell us,  
6 were you in an automobile?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: How were you seated?

9 THE WITNESS: Glen was driving his  
10 automobile. I was in the passenger side of the  
11 front seat and Samuel was sitting in the back seat.

12 THE COURT: All right. Now tell  
13 us what the conversation was, what Sam said, what  
14 Glen said, what you said, as best you can remember  
15 it.

16 THE WITNESS: Yes, Your Honor.

17 Glen said to me first that he didn't like my cousin.  
18 He said he was kind of a jerk. He felt very unsure  
19 of having any kind of transaction to do with him,  
20 and Sammy spoke up at that point and he said, "Yeah,  
21 I felt the same kind of way. He seems to be a rather  
22 odd sort of person." And I confirmed that. I said,  
23 "I have to agree with you." I said, "Myself, I  
24 think he is kind of strange. And other than the  
25 fact that he is my cousin, I probably wouldn't have



1 anything to do with him either."

2 BY MR. FISHER:

3 Q In relation --

4 THE COURT: Please. He hasn't  
5 finished my question.

6 What else?

7 THE WITNESS: I'm not sure which said  
8 it, either Glen or Sam, but one of them said that  
9 the only reason that they had anything transacting,  
10 talking about any deals to do with Agent Mangor, is  
11 because he was my cousin and I asked them to do it.

12 BY MR. FISHER:

13 Q Did they use the word, in substance of effect, that  
14 you had asked them to do it as a favor?

15 A Yes.

16 Q Is that a fair statement?

17 A It would be a fair statement.

18 Q In other words, you had asked Glen to do something  
19 involving this agent as a favor to you, isn't that  
20 right?

21 A I did not use the word favor, but that would have  
22 been the underlying meaning.

23 Q You understood it to be that the only reason he was  
24 doing anything with this agent was as a favor to you?

25 A Yes.

1 Q Now, when in relation to this conversation in the  
2 car did this money go to you, before or after that  
3 conversation, the \$200?

4 A It was after that conversation.

5 Q How long afterwards?

6 A Roughly an hour, hour and a half.

7 Q Now, this is while you were still on the way to  
8 New York?

9 A I got the money after we had arrived in New York.

10 Q But before you went in the apartment?

11 A Before we got into the apartment. It was enroute.  
12 He handed me the \$200 enroute to the apartment.

13 Q All right. Now, you mentioned going to the apart-  
14 ment of one -- is it John Simon?

15 A It is his mother's apartment. That is where he  
16 resided.

17 THE COURT: Where was that?

18 THE WITNESS: To the best of my  
19 recollection, it is 835 Riverside Drive in Manhattan

20 THE COURT: How long did it take you  
21 to arrive from Brewster down to Riverside Drive?

22 THE WITNESS: About an hour and a  
23 half. We got lost and ended up in Brooklyn before  
24 we got to Manhattan.

25 THE COURT: Were there any other



1                   conversations during this hour and a half ride?

2                   THE WITNESS: No significant  
3                   conversations, talking about albums, records, trivia.

4                   THE COURT: No conversation per-  
5                   taining to narcotics?

6                   THE WITNESS: None, no.

7                   THE COURT: What about the ride --  
8                   did you come from Plattsburgh down to Brewster by  
9                   car?

10                  THE WITNESS: Yes, I drove my  
11                  automobile from Ausable Forks to Brewster, New York.

12                  THE COURT: Were both the defendants  
13                  with you?

14                  THE WITNESS: No, I traveled alone.

15                  THE COURT: You traveled alone?

16                  THE WITNESS: Yes.

17                  THE COURT: I see.

18                  BY MR. FISHER:

19                  Q       Now, do I have the name right, John Simon?

20                  A       Yes, you do.

21                  Q       How long had you known him before this trip to New  
22                  York, this John Simon?

23                  A       Roughly three years.

24                  Q       And where did you meet him?

25                  A       I met him in Ausable Forks.

1 Q Is he a native of the Ausable Forks area?

2 A No, he is not. I am not really sure.

3 Q Was he working there when you met him or under what  
4 circumstances did you meet him?

5 A His father has a farm or a house, something to that  
6 extent, in that area. He comes up in the summertime  
7 occasionally and stays there.

8 Q You mentioned a Neil Cohen, is that the name of the  
9 fellow, Cohen?

10 A Yes.

11 Q How long have you known this Neil Cohen?

12 A Roughly three years.

13 Q And is he a person that is native to or frequents  
14 the Ausable Forks area?

15 A He frequents the area but he is not a native of  
16 Ausable Forks.

17 Q So that before this trip from Brewster to New York,  
18 you knew both of these men, isn't that a fact?

19 A Yes, I did.

20 Q And they weren't just friends of Glen Snow's; they  
21 were friends of yours also, weren't they?

22 A Yes.

23 Q And where did this Neil Cohen live in New York, if  
24 you know?

25 A I am not sure of the address, but he lived on the



1 same street as John Simon, off Riverside Drive.

2 Q What time did you arrive at the Simon apartment that  
3 evening of April 10th?

4 A I would say roughly 8:30.

5 Q And when you arrived there, how many people were in  
6 the apartment when you went into it?

7 A There was Johnny's mother, John Simon, Neil Cohen,  
8 myself, Glen Snow and Samuel Snow.

9 Q And how long were you in this apartment before you  
10 had occasion to leave it after you arrived there?  
11 Did you say around 10 o'clock? I am not trying to  
12 put words in your mouth, but what time did you leave  
13 there?

14 A What time did I leave there?

15 Q Yes.

16 A I would say roughly 9:30.

17 Q And how long were you there before you left the  
18 place?

19 A Couple hours, maybe, hour and a half to two hours.

20 Q And during this two-hour period, will you tell us  
21 where in the apartment you went to first?

22 A The first apartment we went to was, to the best of  
23 my recollection, 835 Riverside Drive.

24 Q Is this a tall building or --

25 A Oh, yes, it is on the eighth floor or --

- 1 Q And this apartment is where Mr. and Mrs. Simon and  
2 their son, this John, resided, is that right?
- 3 A Yes, it is.
- 4 Q And when you were admitted into this apartment, what  
5 part of the apartment did you go to originally?
- 6 A We originally went to the living room and sat down.
- 7 Q Now, when you say "we", are you referring to this  
8 entire group of people that were in the building?
- 9 A Yes, I am.
- 10 Q And did there come a time when Mr. and Mrs. Simon  
11 left the living room?
- 12 A Mr. Simon does not live with Mrs. Simon. Mrs. Simon  
13 was in the room for a period of time, conversed with  
14 us and left.
- 15 Q Was there any conversation at all in reference to  
16 cocaine prior to the time that Mrs. Simon left?
- 17 A In the apartment?
- 18 Q Yes.
- 19 A No, there wasn't.
- 20 Q How long after you arrived in the apartment did Mrs.  
21 Simon leave?
- 22 A A half-hour.
- 23 Q Pardon me?
- 24 A Probably in the vicinity of a half-hour.
- 25 Q All right. Now, when was the first mention made of



1 cocaine in that apartment in your presence and by  
2 whom?

3 A I would say, to the best of my recollection, Neil  
4 said he was attempting to leave for the first time  
5 from the apartment to try to score on the coke.

6 Q You were in the living room, Neil was in the living  
7 room, were these two people in the living room?

8 A Yes, they were.

9 Q And John Simon?

10 A Yes, he was.

11 Q Five of you?

12 A Five of us, yes.

13 Q And the first thing that was said about coke was,  
14 Neil said he was leaving?

15 A He was leaving, yes.

16 Q Did you hear him say that he was leaving?

17 A I do not recall, no.

18 Q Did you hear any conversation between Neil and  
19 anybody else in reference to coke before he left  
20 that living room?

21 A No, I did not.

22 Q Did you have any conversation with Neil before he  
23 left in reference to coke?

24 A No, I did not.

25 Q Did you hear any conversation of anybody with Neil

1 in reference to narcotic drugs before he left the  
2 room?

3 A No, I did not.

4 Q Was cocaine mentioned by anybody in the room, anybody  
5 before Neil left?

6 A No.

7 Q Did you see Glen hand any money to either Cohen or  
8 Simons before Neil left the room?

9 A No, I did not see any.

10 Q Did there come a time when Neil returned to the  
11 apartment?

12 A Yes, he returned to the apartment.

13 Q And how long after he left did he return?

14 A Twenty minutes, roughly.

15 Q Now, during that 20 minutes while he was out of the  
16 apartment, this Neil Cohen, was there any conver-  
17 sation in your presence by anybody in reference to  
18 coke?

19 A I do not recall, no.

20 Q Were you in the living room when this Neil returned?

21 A We were in John's bedroom.

22 Q All right. When Neil returned, what is the first  
23 thing you heard him say?

24 A I didn't hear him say anything. He gestured that  
25 he had not --



1 Q He what?

2 A He gestured to the extent of no.

3 Q Would you show us the gesture?

4 A (Witness gestures). Like that.

5 THE COURT: I couldn't hear you.

6 What did you say?

7 THE WITNESS: He gestured, no, that  
8 he wasn't able to obtain anything.

9 BY MR. FISHER:

10 Q Now, who was this gesture to?

11 A To Samuel.

12 Q Sam?

13 A Yes.

14 Q Had Sam said anything before this gesture?

15 A He stated, "Anything?".

16 Q The word "anything"?

17 A Anything in a question.

18 THE COURT: How did he gesture? I  
19 couldn't see you. Would you stand up and show me  
20 how he gestured?

21 THE WITNESS: Sammy said, "Anything?"  
22 and Neil in turn said (witness gesturing) nothing."

23 THE COURT: Let the record reflect  
24 the witness is extending his hands up in a suppli-  
25 cating motion.

1 BY MR. FISHER:

2 Q Now, before the word "anything" was said by Sam,  
3 up to that point, there had been no mention by  
4 anybody in your presence about any narcotic drug,  
5 had there been?

6 A Any narcotic drug?

7 Q Right.

8 A There was conversation about narcotics, yes.

9 Q In the apartment?

10 A In the apartment.

11 Q Before Neil went out?

12 A Yes.

13 Q What was the conversation?

14 A I don't recall the exact specifics, but --

15 THE COURT: Well, as best you can  
16 recall.

17 A (Continuing) To the best of my recollection, a  
18 conversation was passed among the five of us on --

19 Q Can you tell us who said what to who?

20 A No, I could not.

21 Q You have no idea who the person is that is doing  
22 the talking or the persons are that are doing the  
23 conversing in your presence?

24 A I know who the persons are, but to distinguish which  
25 said which, I could not.



1 Q Was there any of this conversation --

2 THE COURT: Just a minute. How big  
3 was this room?

4 THE WITNESS: I would say roughly  
5 20 feet by 12.

6 THE COURT: Tell us the conversation.  
7 Who was there?

8 THE WITNESS: In the room there was  
9 Glen Snow, Samuel Snow, myself, Neil Cohen and  
10 Johnny Simons.

11 THE COURT: Tell us what was said,  
12 as best you can recall.

13 THE WITNESS: To the best of my  
14 recollection, it was said, that we exchanged ideas  
15 about different kinds of smoke.

16 THE COURT: What did you say, as  
17 best you can recall?

18 THE WITNESS: To the best of my  
19 recollection, I said, which I can only account for,  
20 that is, I told them that I had tried some  
21 relatively good weed which -- pertaining to mari-  
22 juana, and the general conversation was very  
23 generalized like that.

24 THE COURT: But there was nothing  
25 about the transaction that was underway?

THE WITNESS: No.

THE COURT: All right.

BY MR. FISHER:

Q So that, actually, when Neil Cohen came back up, to the time he came back, he came in the house and made this gesture, there had been no conversation in your presence with Neil in reference to his getting coke, had there?

A No.

Q Now, after this gesture which you indicated, what happened next?

A We stayed in the room for a while and we had a few beers and we were listening to the albums, and Neil left again.

Q Did you hear any conversation from the time Neil came back and made this gesture until the time after he had these few beers and left where anybody said anything about cocaine to him in your presence?

A The word cocaine was not mentioned, but Neil had said he was going to try to get hold of his man.

THE COURT: Try what?

THE WITNESS: To get hold of his man again.

BY MR. FISHER:

Q But the word cocaine was not mentioned, right?



1 A No, it was not.

2 Q Now, when he left, how long was he gone the second  
3 time?

4 A Roughly 10 minutes.

5 Q And after he returned, what happened?

6 A Again, he came back with nothing. He said he didn't  
7 find his man.

8 Q And then how long did he remain there before he  
9 went out again?

10 A Roughly, a half-hour.

11 Q And after he came back the first time and before he  
12 left the second time, were you drinking?

13 A Yes.

14 Q And after he left the second time and before he  
15 came back, did you continue to drink?

16 A Yes.

17 Q All right. Now, when he left the third time, how  
18 long afterwards did he appear in this apartment?

19 A Again, in the vicinity of 15 minutes he returned.

20 Q And will you tell us what he was doing or what you  
21 observed when he came back this third time?

22 A When he came back this time, he had in his hand,  
23 a bag and he says, "I got it, I got the coke."

24 Q Who did he say this to?

25 A He said it to, just generally, the four of us that

1                   were in the bedroom.

2           Q       And what happened after he made that statement?

3           A       He handed it to Glen. He looked at it, tasted it.

4           Q       He handed it to who?

5           A       To Glen Snow. Glen in turn passed it to Samuel Snow  
6                   and he looked at it and tasted it and Samuel in turn  
7                   passed it to me. I looked at it and tasted it and I  
8                   passed it to Johnny and it was returned back to Glen.

9           Q       You passed it to who?

10          A       To John Simons, and he looked at it and tasted it  
11                   and handed it back to Glen.

12                               THE COURT: Any comment during this  
13                   tasting?

14                               THE WITNESS: None that I can say  
15                   that any particular individual had said. Comments  
16                   were made to the fact that it was good.

17          BY MR. FISHER: /

18          Q       And had you seen coke in the past?

19          A       Yes, I had seen coke before.

20          Q       Have you used coke in the past?

21          A       No, I have not.

22          Q       Notwithstanding not having used it in the past, you  
23                   tasted it?

24          A       Yes.

25          Q       Are you a judge of coke?



1 A No, I do not consider myself a judge of coke.

2 Q Did you say you did or you did not use it?

3 A I did taste it in the apartment.

4 Q How long prior to this date had you been selling  
5 coke?

6 A I had not been selling coke prior to that date.

7 Q Was this proposed sale to this fellow employee of  
8 yours your first sale of coke?

9 A Yes, it was.

10 Q What profit did you make on that sale?

11 A I made no profit.

12 Q How much did you pay for that part of what Neil  
13 Simon came into the room with, how much was spent?

14 A Neil Cohen came into the room with that.

15 Q Pardon me?

16 A John Simons didn't come into the room.

17 Q Well, Neil Cohen.

18 A I had no money invested in that.

19 Q Did you see any money change hands?

20 A No, I did not.

21 THE COURT: What was done with the  
22 package after everybody tasted it?

23 THE WITNESS: We proceeded to the  
24 kitchen and we put it out on a piece of paper where  
25 we chopped up the larger, harder chunks of cocaine

1 and mixed it with the cutting agent that came along  
2 with it.

3 THE COURT: What was the cutting  
4 agent, do you know?

5 THE WITNESS: I'm not sure. I  
6 think they referred to it as lactose.

7 THE COURT: What else was in there,  
8 how did you mix it?

9 THE WITNESS: We crushed up the  
10 cocaine and we dumped the cutting substance next to  
11 it on a piece of paper and with a joint effort, the  
12 five of us, we just mixed up small piles, a little  
13 bit of cocaine with a little bit of this milk sugar.

14 THE COURT: Did you weigh it?

15 THE WITNESS: No, we had no scales.

16 THE COURT: How did you package it?

17 THE WITNESS: We divided up what  
18 appeared to be roughly quarter-ounce lots and we  
19 put it in the plastic bag.

20 THE COURT: You say "we". Who was  
21 in this room where you were doing it? How big was  
22 the room?

23 THE WITNESS: It was a small room,  
24 probably eight feet by 10, eight by eight. It was  
25 in the kitchen and there was five people, Sam Snow,



1 Glen Snow, myself, Neil Cohen and John Simons. We  
2 were sitting around the kitchen table.

3 THE COURT: What time of the day  
4 was it?

5 THE WITNESS: It was roughly nine  
6 to 9:30 in the evening, 10 o'clock.

7 THE COURT: Were the lights on in  
8 the kitchen?

9 THE WITNESS: Oh, yes.

10 THE COURT: How were you standing,  
11 can you remember?

12 THE WITNESS: We were sitting.

13 THE COURT: Were you sitting at a  
14 table?

15 THE WITNESS: Yes, the kitchen table.

16 THE COURT: All at the kitchen table?

17 THE WITNESS: No, there was three of  
18 us sitting at the table and I was sitting next to  
19 the door going into the living room. Sammy was  
20 sitting to my left at the end, Neil was sitting at  
21 the far end of the table, and Glen was standing  
22 next to me to my right, and John was standing at  
23 the end of the table next to Sam, to his right, to  
24 the best of my recollection.

25 THE COURT: Was there any conversa-

1                   tion during this packaging operation?

2                   THE WITNESS: Yes.

3                   THE COURT: What was it?

4                   THE WITNESS: To say that a certain  
5 person, one individual in that group said a  
6 particular thing, I can't, my recollection isn't  
7 that accurate.

8                   THE COURT: Well, what was the  
9 conversation, as best you can recall, among the  
10 group?

11                   THE WITNESS: We made comments to  
12 the fact that there was a lot of what we call rocks  
13 in this cocaine, and how hard it was to crush these  
14 rocks up so that it would blend in with the rest of  
15 the cocaine and the powder and the milk sugar.

16 BY MR. FISHER:

17 Q       From the time that this stuff was put on the table,  
18 how long did this cutting take?

19 A       Roughly a half-hour, 45 minutes.

20 Q       And at the time that it was put into these -- were  
21 they put into bags?

22 A       Plastic bags, yes, Glad bags.

23 Q       And how many bags did you observe the stuff being  
24 put into?

25 A       Excuse me. We had three bags that we considered



1                   were a quarter-ounce.

2           Q       The question is, how many bags was it put into, not  
3                   what you considered?

4           A       Three bags.

5           Q       And who supplied the bags?

6           A       Johnny Simons supplied the bags.

7           Q       And what conversation was there in your presence  
8                   in reference to how many portions this was going to  
9                   be cut into?

10          A       Well, the original amount of cocaine was a half-ounce  
11                   and it was decided that we didn't want to cut it too  
12                   much so we estimated roughly in the vicinity of one-  
13                   quarter ounce of milk sugar, in excess of one-  
14                   quarter ounce of milk sugar to make a rough estimate,  
15                   and an excess of three-quarters of an ounce of --

16          Q       And then somewhere along the line was a decision  
17                   made that this would be divided into three equal  
18                   shares?

19          A       Yes, it was.

20          Q       And who was to get these three shares?

21          A       I was to get one to bring to the person that I had  
22                   agreed to sell one-quarter ounce. And Glen and  
23                   Samuel were to keep the other two.

24          Q       You didn't hear any conversation in that room about  
25                   Glen and Sam distributing these two things anywhere,

1 did you?

2 A No, I did not.

3 Q The only one that you knew of any distributing to  
4 other people after you acquired possession of it  
5 was you, to your fellow employee, is that right?

6 A That is correct.

7 Q And how long after this was put into the bags was it  
8 before you left this place?

9 A Before we left John Simons' apartment?

10 Q Yes.

11 A I would say within a half-hour we left after we had  
12 bagged it.

13 Q All right. Now, what time did you leave, what time  
14 of the evening or when did you leave this apartment?

15 A Eleven o'clock, approximately.

16 Q And when you left that apartment, will you tell the  
17 jury, where did you go to?

18 A We went to an apartment across the street.

19 Q And whose apartment was that?

20 A I do not know the individual's name.

21 Q And how long did you remain at that apartment?

22 A For another couple hours.

23 Q And during that couple hours, were you drinking?

24 A Yes, we had -- I had continued to drink.

25 Q Was Glen drinking?



- 1 A Yes, we all were drinking.
- 2 Q What was that?
- 3 A I said, yes, we all were drinking.
- 4 Q And what time did you leave this apartment across
- 5 the street?
- 6 A Twelve-thirty, 1 o'clock, in that vicinity.
- 7 Q And after you left there, where did you go?
- 8 A Proceeded to another individual's apartment.
- 9 Q And how long were you at this other individual's
- 10 apartment?
- 11 A A short while, a half-hour, 45 minutes.
- 12 Q Have you any recollection how long it took you to
- 13 go from the second apartment to the third one?
- 14 A It was about a 10-minute walk.
- 15 Q Did you use cars at all?
- 16 A No, we did not use cars.
- 17 Q Did you know the host or the person that owned, or
- 18 the main occupant of this third place?
- 19 A No, I did not.
- 20 Q Were they friends of Mr. Simon or friends of Mr. --
- 21 A They were friends of Mr. Simon and Mr. Cohen.
- 22 Q Not friends of the Snows?
- 23 A Glen and Samuel did know them.
- 24 Q Did you know them?
- 25 A I had seen them. I had not had the opportunity to

1 meet them and to know them personally.

2 Q At the second and third places, was there any  
3 discussion about cocaine?

4 A Not to my recollection.

5 Q Were drugs being used there in your presence?

6 A Yes, there was.

7 Q Did you use drugs there?

8 A Yes.

9 Q What drug?

10 A Marijuana.

11 Q What time did you leave this third apartment?

12 A Roughly, 2 o'clock in the morning.

13 Q In the morning. And did you make any observations  
14 of Sam's physical condition when you left this  
15 third apartment?

16 A Yes, I made an observation.

17 Q And do you have an opinion?

18 A I would say he was intoxicated again.

19 Q And was he intoxicated when you left the second  
20 apartment?

21 A No.

22 Q Now, after you left the third apartment, where did  
23 you go to?

24 A We went back to Glen's car which was parked in front  
25 of John Simons' apartment.



1 Q And what happened next?

2 A As we walked back, Neil stopped at his apartment and  
3 went his way, John walked into his apartment and  
4 Glen and I and Samuel got back into the car and  
5 went back to Brewster.

6 Q All right. And I presume you went to bed sometime  
7 after you got back there?

8 A Yes.

9 Q What time did you wake up the next morning?

10 A About 20 after 7, between 20 after 7 and 7:30 when  
11 this friend of mine knocked on the door.

12 Q What was his name?

13 A Ronald Seeley.

14 Q And did you have a prearranged plan with him that he  
15 would knock on the door that morning?

16 A He would come to my room, yes.

17 Q And the purpose of his coming to the room was to  
18 pick up this cocaine?

19 A Yes.

20 Q And isn't it a fact that the only reason that you  
21 went back to Brewster was so that you would be there  
22 the next morning to give him the cocaine?

23 A I went back to Brewster so I would be there to work.

24 Q But your testimony was that for some several weeks  
25 before, you had planned to meet with Glen and go

1 down to New York from Brewster, is that right?

2 A Yes.

3 Q And is it your testimony that your plan also was,  
4 and that it was never changed, that you were to go  
5 down there and come back the same day?

6 A The plans were, I was going to go down to New York  
7 and come back the same night, yes.

8 Q Were you invited to these apartments at these two  
9 different places prior to the time you left?

10 A Yes, I was.

11 Q Before you left your motel to go down there to New  
12 York?

13 A No.

14 Q Where were you invited to these two apartments?

15 A I was invited to the first apartment when I was in  
16 John's apartment and in the second apartment we were  
17 invited, and I was invited to the third apartment.

18 Q Were these invitations as a result of telephone  
19 calls?

20 A Excuse me, I didn't hear.

21 Q Were these invitations as a result of any telephone  
22 calls that were made in your presence?

23 A Telephone calls?

24 Q Yes. Did somebody call and invite you people?

25 A No, the people were there when we went from John's



1 apartment to the second apartment. There were  
2 several people there and we left with a couple  
3 people and went to this apartment.

4 Q Now, getting back up to Brewster, New York now, this  
5 man comes to your door at what time in the morning?

6 A Seven-thirty, 20 after 7, between there.

7 Q And when he knocked on the door, what did you do?

8 A I went to the door and I opened it.

9 Q And after the man came in, what happened?

10 A I said, "I got it." I asked him if he had the  
11 money for the cocaine.

12 Q And he said yes?

13 A He said yes, he did.

14 Q And what did he give you?

15 A I first handed him the packet of cocaine.

16 Q Where did you get that packet from?

17 A I think it was in Glen's coat pocket.

18 Q And did you know for a fact that when you went to  
19 his coat pocket it was there?

20 A Yes.

21 Q You didn't wake him up and ask him to give it to  
22 you, did you?

23 A No, I didn't wake him up.

24 Q So he had nothing to do with it, you just went to  
25 his coat and took this and distributed it to this

1 person and he paid you, is that right?

2 A Yes.

3 Q What happened next?

4 A And I handed the \$350 to Glen. He had awakened  
5 through the ordeal of the conversation and hearing  
6 the door, and he put the money in his wallet.

7 Q He didn't participate in this conversation, did he?

8 A No.

9 Q Did you introduce him to this man?

10 A Yes, I did, I said, "This is Ron, this is my friend,  
11 Glen."

12 Q And where was Sam at the time?

13 A Sam was in bed.

14 Q Was Glen and Sam in the same bed?

15 A Yes, they were.

16 Q And were there two beds in the room?

17 A Yes, there was.

18 Q Now, thereafter were you present when Glen and Sam  
19 left to go back to Ausable?

20 A No, I was not, I left at 8 o'clock, left the motel  
21 room to go to work and they were still in the room  
22 when I left.

23 Q Now, on September 22nd, 1975, did you have occasion  
24 to talk to Mr. O'Sullivan, this gentleman here?

25 A Yes.



1 Q And where did you talk to him?

2 A I talked to him in Albany at the Federal Building.

3 Q And how did it happen to be that you were in the  
4 Federal Building in Albany on September 22nd, 1975?

5 A He had asked me to come down there.

6 Q And while you were there, were you interviewed by  
7 Mr. O'Sullivan?

8 A Yes, I was.

9 Q And did you give a sworn statement to a stenographer  
10 in the presence of Mr. O'Sullivan?

11 A Yes, I did.

12 Q And did you answer these questions while you were  
13 under oath?

14 A Yes, I did.

15 Q And was this in question and answer form where Mr.  
16 O'Sullivan asked you questions and you gave answers?

17 A Yes, it was.

18 Q And substantially, was the procedure in question and  
19 answer form by Mr. O'Sullivan asking you these  
20 various things and were you giving answers?

21 A Yes.

22 Q Was there anybody else present besides Mr. O'Sullivan,  
23 you and a stenographer?

24 A No, there wasn't.

25 Q And how long did you give this statement in question

1 and answer form from the time you started until  
2 the time that you finished?

3 A I would say roughly 90 minutes.

4 Q Did there come a time after you got back to your  
5 motel and after these matters in reference to the  
6 cocaine, that you had occasion to return to the  
7 Ausable Forks or Plattsburgh area?

8 A Yes, I came home that evening, Friday evening.

9 Q And when you came home, did you bring this \$200  
10 with you?

11 A Yes, I did.

12 Q And what did you do with the \$200?

13 A I returned the \$200 to Agent Mangor.

14 Q And on what date did you return that to Agent Mangor?

15 A The 11th, I think, I'm not sure.

16 Q Was the \$200 you returned, the same \$200 that Glen  
17 Snow had given you?

18 A Yes, it was.

19 MR. FISHER: Your Honor, it is  
20 difficult to weed out which is immaterial from  
21 what is material. Can I have just a few minutes  
22 to sort out a few excerpts?

23 THE COURT: We will take a very  
24 short recess.

25 MR. FISHER: Thank you, Your Honor.



(A recess was taken).

THE COURT: All right, Mr. Fisher,  
proceed.

MR. FISHER: Your Honor, could I  
have this marked Defendant Glen Snow's Number A or 1?

THE COURT: Mark it yourself,  
Defendant's A.

MR. HATCH: Could I also have it  
marked for Defendant Sam Snow?

THE COURT: Just one mark,  
Defendant's A.

(Transcript of testimony of Julian  
Votraw taken on September 22nd, 1975 marked  
Defendant's Exhibit A for identification).

CROSS-EXAMINATION (continued)

BY MR. FISHER:

Q Mr. Votraw, I show you Defendant's Exhibit A and I  
ask if you recognize this as a transcript of your  
testimony of September 22nd.

A Yes.

Q Now, Mr. Votraw, I am going to ask you to recall  
your testifying or answering the questions of Mr.  
O'Sullivan that were in the question and answer  
form of a portion of Defendant's Exhibit A here  
which I just showed you. Do you recall appearing

in the Federal Building?

A Yes, sir.

THE COURT: He said he did. We have been all over that once, Mr. Fisher.

MR. FISHER: Well, I didn't know whether it was right or wrong to lead up to the questions and answers.

THE COURT: There is a simple way to lead up, what is your testimony about this now and did you say something different then, that's all there is to it.

BY MR. FISHER:

Q I am directing your attention to page 32 of the exhibit --

THE COURT: Please, Mr. Fisher, I have just told you how to do it. Ask him what he says about such and such a fact now, and if it is different there, confront him with it. That is the only purpose for which you can use that testimony. There is no other.

BY MR. FISHER:

Q On page 32, did Mr. O'Sullivan ask you what happened when you went to New York City --

THE COURT: Sustained. You don't have to answer that, not in that form. I have just



1 explained to you how to do it.

2 BY MR. FISHER:

3 Q Did you testify in answer to Mr. O'Sullivan --

4 THE COURT: No, what do you say  
5 now about so and so.

6 MR. FISHER: I am trying to show  
7 prior inconsistent statements.

8 THE COURT: Ask him what his state-  
9 ment is now about whatever it is you are trying to  
10 show.

11 BY MR. FISHER:

12 Q Is it your testimony today that when you went to  
13 this John Simons' apartment in New York City, that  
14 you saw cocaine in that apartment?

15 A Yes, that is my testimony today.

16 THE COURT: All right, now confront  
17 him.

18 Q Now, do you recall being asked the question by Mr.  
19 O'Sullivan, "What happens when you went to New York  
20 City?", were you asked that question?

21 A Yes, I was.

22 Q And did you give this answer: "We met with the  
23 people, we met several people. We met John Simons  
24 and somebody named Neil whose last name I don't know.  
25 I have known him as long as John but --"

1 "Where does this meeting take  
place?", were you asked that question?

2 A Yes, I was.

3 Q Now, skipping, did you testify that you went to  
4 this apartment on Riverside Drive?

5 A Yes.

6 Q Now, were you asked this question on page 33: "Well,  
7 you met with John Simons and somebody named Neil,  
8 and what was the conversation that takes place  
9 there?"

10 "A They asked us how the trip was  
11 down, good to see you and all right. We went into  
12 John's apartment, his mother's apartment. We went  
13 into his room and there was Sangria and some beer.  
14 Conversation between Glen and Sammy and John and  
15 Neil were kept more or less confidential, didn't  
16 get too involved."

17 Were you asked that question and  
18 did you give that answer?

19 A Yes.

20 "Q Did you hear this conversation  
21 between Glen and Sammy and John and Neil?

22 "A No, John and I were sitting  
23 in the bedroom, his stereo system and like that.  
24 We were sitting in there and Glen and Sammy and Neil  
25



1                   were at the other end of the room talking about  
2                   record albums and whatnot to John and I."

3                                 Were you asked that question and  
4                   did you give that answer?

5         A         I was asked that question but in this answer it is  
6                   inaccurate and the stenographer's wording of what  
7                   I actually said was a misunderstanding, perhaps,  
8                   on her part. They were in the other room talking  
9                   and John and I were talking about the records and  
10                  albums and whatnot, not to John and I. As it is  
11                  stated here, it says Glen and Sammy and Neil were  
12                  at the other end of the room talking about record  
13                  albums and whatnot to John and I. John and I were  
14                  talking about the record albums and the music in  
15                  general, and Glen and Sammy were carrying on a  
16                  conversation at the other end of the room with Neil.

17         Q         But other than that, were you asked that question?

18         A         Yes, I was asked that question.

19         Q         And "Q. You were all in the same room, John's  
20                  bedroom ?

21                                 "A. Yes."

22                                 Were you asked that question and  
23                  did you give that answer?

24         A         Yes.

25         Q         "Q. They were on one side of the

1 room and you were on the other side?

2 "A. They were standing next to  
3 the door.

4 "Q. How big is the room?

5 "A. It is probably about as long  
6 as this room, 20 feet, 22 feet, not quite as wide  
7 to that extent down there.

8 "Q. You think it is 20 feet long  
9 and how wide?

10 "A. Twelve."

11 Were you asked those questions and  
12 did you give those answers?

13 A Yes.

14 Q "Q. What is your distance from  
15 Glen and Sammy and Neil while they are talking?

16 "A. Ten, 12 feet.

17 "Q. You didn't hear any of the  
18 conversation? You were listening to music with  
19 John Simons and you don't hear the conversation  
20 between Glen Snow, Sammy Snow and Neil?

21 "A. Whatever they said, I didn't  
22 catch any of it. I wasn't interested in it at that  
23 point. I didn't think it would be a benefit to  
24 listen to any of it anyway.

25 "Q. Your answer is that you don't



1 recall anything from that conversation?

2 "A. Yes."

3 And were you asked this question:

4 "Q. What takes place after that?

5 "A. Neil left. He just took off.

6 We sat around, partied some more. About 20 minutes  
7 later, Neil came back.

8 "Q. After 20 minutes, Neil came  
9 back. Now, what conversation takes place then?

10 "A. It is almost none. One of  
11 the Snows, I think it was Sammy, said, gestured to  
12 the extent of, what's happening, what's up,  
13 anything? I am not sure, for the sake of simplicity,  
14 that he said anything as a question. Neil hook his  
15 head no.

16 "Q. Is there any further conver-  
17 sation? What happens after that?

18 "A. We left there. We stayed  
19 there for a while, finished off whatever was left  
20 to drink and went to another place, and Neil, every  
21 once in a while, would split, take off and come  
22 back."

23 Were you asked those questions and  
24 did you give those answers?

25 A Yes, I did.

1 Q And continuing with the questions:

2 "Q. You left John Simons' apart-  
3 ment and went to another apartment?

4 "A. Everybody left.

5 "Q. Where did you go?

6 "A. Somebody else's apartment  
7 like across the street but up a flight of stairs.  
8 I am sure it is down there somewhere. At the time  
9 I wasn't taking notes, different notes, trying to  
10 take notes whenever I could find time. We  
11 proceeded to the other apartment. As I said, Neil  
12 had left periodically and split. Next time I  
13 looked he would be back."

14 Were you asked those questions and  
15 did you give those answers?

16 A Yes.

17 Q And continuing with questions:

18 "Q. You're over in this other  
19 apartment and you continue to drink and periodi-  
20 cally Neil leaves and comes back and you don't  
21 hear any further conversation between Neil and the  
22 two Snows?

23 "A. I didn't think there was any  
24 conversation between the two of them, just under-  
25 standing that we went down to Neil's --"



1 And then there is in parentheses,  
2 "Discussion off the record".

3 Were you asked those questions and  
4 did you give those answers?

5 A Yes, I did.

6 Q Continuing with the questions:

7 "Q. All right. While you are  
8 there in New York City with Glen and Sammy Snow  
9 at the apartment of John Simons and later at  
10 someone else's apartment together with this person  
11 named Neil, you don't hear any conversation with  
12 respect to narcotics?

13 "A. Not explicitly, no."

14 Were you asked those questions and  
15 did you give those answers?

16 A Yes.

17 Q "Q. Then your answer is that you  
18 didn't hear any conversation with respect to  
19 narcotics?

20 "A. Yes, I did not.

21 "Q. All right. Then you left the  
22 city. How long are you in the city?

23 "A. Stayed there until about two  
24 in the morning."

25 Were you asked those questions and

1 did you give those answers?

2 A Yes.

3 Q And continuing:

4 "Q. From when until two in the  
5 morning?

6 "A. Nine o'clock.

7 "Q. You left Brewster about  
8 7 o'clock, got down in the city around eight or  
9 8:30?

10 "A. It was probably closer to  
11 nine.

12 "Q. From nine until two a.m.  
13 the next morning you're with the two Snows, Glen  
14 and Sammy Snow, John Simons and this person named  
15 Neil?

16 "A. And several other people.

17 "Q. Several other people, come  
18 and go and you are having a party?

19 "A. Yes.

20 "Q. You leave the city at  
21 2 o'clock in the morning the next day?

22 "A. We left in the morning the  
23 next day, two to three that morning."

24 Were you asked those questions and  
25 did you give those answers?



1 A Yes.

2 Q Continuing with the questions:

3 "Q. Do you have any conversation  
4 with Glen and Sammy Snow after this party?

5 "A. Not -- Glen handed me \$200.

6 "Q. Glen Snow hands you \$200 and  
7 says this is your money, \$200? Did you ask them  
8 if they were able to obtain anything?

9 "A. If he would have been able  
10 to obtain anything, I was under the assumption he  
11 would have shown it."

12 Then there is a discussion off the  
13 record. And then this:

14 "Q. Did he ask them if they were--  
15 did they tell him they were able to obtain something  
16 or not able to obtain something?

17 "A. No."

18 Were you asked those questions and  
19 did you give those answers?

20 A Yes.

21 Q Continuing with the questions:

22 "Q. Glen Snow gives you the \$200  
23 and tells you this is for your cousin?

24 "A. This is your cousin's money  
25 or something to that extent.

1 "Q. He didn't tell you why or  
2 how he got the \$200 or why he is giving it back?

3 "A. It is my cousin's money. I  
4 know what is happening."

5 Were you asked those questions and  
6 did you give those answers?

7 A Yes.

8 Q Continuing with the questions:

9 "Q. Is Sammy Snow present?

10 "A. Present but unaccounted for.

11 "Q. What does that mean?

12 "A. He's probably sleeping.

13 "Q This is in the car now, this  
14 conversation takes place in the car?

15 "A. Sammy was passed out before  
16 we got to the car."

17 Were you asked those questions and  
18 did you give those answers?

19 A Yes.

20 Q Continuing:

21 "Q. He gives it back to you before  
22 you get back to the car?

23 "A. This is at the other apartment.  
24 No, this was on the street as we are going to the  
25 car.



1 "Q. On the street as you were  
2 going back to the car after the party, Glen Snow  
3 gives you the \$200 now and Sammy now was passed out?

4 "A. He was out of it. In other  
5 words, for all practical purposes, he was passed  
6 out but walking with the help of two other people.

7 "Q. He was with you?

8 "A. Yes.

9 "Q. There were two other people  
10 there?

11 "A. Yes, everybody's just walking  
12 back down the street."

13 Were you asked those questions and  
14 did you give those answers?

15 A Yes.

16 Q Continuing:

17 "Q. To Glen's car?

18 "A. Well, to Johnny's apartment  
19 which is -- by the time we got back to Glen's  
20 apartment it was just down to the four of us.  
21 Neil had gone to his place, John was going to his.

22 "Q. This conversation takes  
23 place on the street as you're walking towards your  
24 car or towards Glen's car, is that correct?

25 "A. Yes.

1 "Q. And Glen is there and Sammy  
2 is there and John Simons is there?

3 "A. Yes, that's the way it ended.  
4 Just the four of us. From the time we walked to  
5 the car --"

6 Were you asked those questions and  
7 did you give those answers?

8 A Yes.

9 Q Now, continuing:

10 "Q. Now, these other people have  
11 nothing at all to do with the arrangements that the --  
12 were being made between Glen and Sammy?

13 "A. Not to my knowledge. I had  
14 no idea.

15 "Q. John Simons is not involved  
16 with those arrangements?

17 "A. He knows of them.

18 "Q. As far as you know, John  
19 Simons originally is not involved in this deal  
20 whatever it was that was being discussed between  
21 Glen and Sammy Snow and this person named Neil,  
22 is that correct?"

23 Were you asked those questions?

24 A Yes.

25 Q "A. Yes, I think he had the same



1 drift of the situation. There is no need for him  
2 to -- we had our own conversation, it's not  
3 necessary for -- to find out what they are saying  
4 because --

5 "Q. That's your supposition?  
6 You don't know that John Simons is involved with  
7 that at all?

8 "A. I don't know to my knowledge."  
9 Were you asked those questions?

10 A Yes.

11 Q And did you give those answers?

12 A Yes.

13 Q "Q. You don't know what conver-  
14 sation is taking place between this Neil and Glen  
15 and Sammy Snow?

16 "A. Not actually I can say that.  
17 I know, but that is what they said, I can't say  
18 that.

19 "Q. I just want to know what you  
20 know, not what you assume.

21 "(Discussion off the record).

22 "Q. Now, after Glen Snow gives  
23 you the \$200, you go back in your car and you go  
24 back to Brewster?

25 "A. Yes."

1 Were you asked those questions and  
2 did you give those answers?

3 A Yes.

4 Q "Q. They dropped you off?

5 "A. They spent the night in the  
6 Brewster motel room.

7 "Q. They went back the next  
8 morning?

9 "A. Yes.

10 "Q. Is there any further conver-  
11 sation between you and Glen Snow or Sammy with  
12 respect to the arrangements that were made with  
13 Agent Mangor?

14 "A. No, I left for work at 7:30  
15 in the morning and they were still out. Glen did  
16 wake up and said, 'I'll see you this weekend when  
17 I come home'. And he drifted back off."

18 Were you asked those questions and  
19 did you give those answers?

20 A Yes.

21 Q And -- "Q. What did you do with the \$200  
22 they gave you?

23 "A. I gave it back to Tommy  
24 Fitzpatrick and Benny Mangor.

25 "Q. When did you give it back?



1 "A. After that.

2 "Q. You made an arrangement to  
3 meet Fitzpatrick at the Elm Tree Inn to give back  
4 the \$200?

5 "A. Yes.

6 "Q. And is Agent Mangor there  
7 when you gave back the \$200?

8 "A. Yes, I gave it back to Benny.  
9 I handed him the \$200."

10 Were you asked those questions and  
11 did you give those answers?

12 A Yes.

13 Q At anytime while you were in the presence of Mr.  
14 O'Sullivan under oath, did you mention the cocaine  
15 that you testified to today?

16 A No, I did not.

17 Q At anytime when you were talking to Mr. O'Sullivan  
18 and answering these questions, did you make any  
19 reference to selling any cocaine to this fellow  
20 employee of yours in Brewster, New York?

21 A No, I did not.

22 Q Did Mr. O'Sullivan ask you whether you had sold any  
23 cocaine?

24 A No, he did not.

25

THE COURT: Did he ask you whether,

1                   there was any cocaine in the apartment?

2                   THE WITNESS: No, he did not.

3 BY MR. FISHER:

4 Q       You testified to Mr. O'Sullivan today that you had  
5       a conversation with Glen Snow and introduced this  
6       man, your fellow employee, to Glen at your motel,  
7       is that right?

8 A       Yes.

9 Q       You did not testify to any such conversation with  
10       Glen Snow when you were referring to him waking up  
11       the next day and drifting back to sleep, did you?

12 A       I did not.

13                   THE COURT: Were you asked about it?

14                   THE WITNESS: About selling the  
15       cocaine to the fellow employee, no, I was not asked.

16                   (Two-page statement dated August  
17       22nd, 1975 marked Defendant's Exhibit GA for  
18       identification).

19 BY MR. FISHER:

20 Q       Mr. Votraw, I show you Defendant's GA for identi-  
21       fication. I refer you to the second page and ask  
22       you if that is your signature.

23 A       That is my signature.

24 Q       And that is your signature to a two-page statement  
25       dated August 22nd, 1975?



1 A Yes, it is.

2 Q Do you recall signing this statement?

3 A Yes.

4 Q Defendant's Exhibit GA for identification?

5 A Yes.

6 Q Where was it signed?

7 A It was signed in the Champlain station.

8 Q At Champlain?

9 A Yes.

10 Q Whereabouts in Champlain?

11 A At the crossing, border crossing where Agent  
12 Fitzpatrick has his office.

13 Q And what time of the day did you sign this document?

14 A Ten o'clock in the evening, 10:30.

15 Q And how did it happen to be that you were in the  
16 agent's office on that occasion?

17 A Agent Fitzpatrick requested me to go to his office  
18 and make a statement pertaining to the case that is  
19 involved here.

20 Q And did you at any time when you went to Agent  
21 Fitzpatrick's office, tell him the details that you  
22 told the jury in answer to Mr. O'Sullivan's  
23 questions about this Neil obtaining cocaine and  
24 dividing it up into these bags and the other details  
25 in reference to giving it to this fellow employee?

1 A No, I did not.

2 THE COURT: Again, were you asked  
3 about it?

4 THE WITNESS: I was asked if there  
5 was any cocaine.

6 THE COURT: What did you say?

7 THE WITNESS: And I said I didn't  
8 see any.

9 THE COURT: Were you telling the  
10 truth at that time?

11 THE WITNESS: No, I was not.

12 MR. FISHER: May I just have a  
13 second, Your Honor?

14 THE COURT: Yes.

15 When you were talking to Mr.  
16 O'Sullivan, were you telling the truth?

17 THE WITNESS: Not all.

18 BY MR. FISHER:

19 Q And when you were talking to Mr. O'Sullivan, you  
20 were under oath?

21 A Yes.

22 Q And you now know that under oath you were not  
23 telling the truth as to portions of the answers  
24 you gave?

25 A Excuse me, I can't hear you.



1 MR. FISHER: May we have it read  
2 back?

3 (The pending question was read back  
4 by the Reporter).

5 THE COURT: You had better reframe  
6 it. I thought the question was not very clear.

7 MR. FISHER: Can I figure out the  
8 way I want to rephrase it? I forget what I said,  
9 Your Honor.

10 THE COURT: Read it back again.

11 (The pending question was read back  
12 by the Reporter).

13 BY MR. FISHER:

14 Q And you now know that some of the answers that you  
15 gave to Mr. O'Sullivan under oath were not true at  
16 the time that you gave them?

17 A Yes.

18 Q The bottom of the second page of this statement,  
19 does it not state "No threats, force, no promises  
20 of reward have been made to me and this statement  
21 is freely and voluntarily given"?

22 A Yes.

23 Q Is there any reference in this statement to cocaine?

24 A No.

25 MR. FISHER: I have nothing further,

1 Your Honor.

2 MR. HATCH: I would like this  
3 marked as Defendant Snow's Exhibit, that should be  
4 B. We already marked one.

5 (Defendant's Exhibit GA for  
6 identification, marked Defendant's Exhibit SA for  
7 identification).

8 CROSS-EXAMINATION (continued)

9 BY MR. HATCH:

10 Q I would like you to look at this statement and again  
11 look at that last paragraph. I would like you to  
12 read that statement, that last paragraph.

13 A "I have read this statement consisting of two pages,  
14 initialled my corrections on the first page --"

15 THE COURT: Please, the statement  
16 isn't in evidence. To preserve the adversary  
17 system, I have to continue this trial --

18 MR. HATCH: I would like to offer  
19 this GA or Exhibit SA for Sam Snow. It is his  
20 statement.

21 MR. O'SULLIVAN: I have no  
22 objection.

23 (Defendant's Exhibit SA for  
24 identification, received and marked in evidence).  
25



1 BY MR. HATCH:

2 Q Now, this statement was made on August 22nd, correct?

3 A Yes.

4 Q Now --

5 THE COURT: Mr. Hatch, you can read  
6 it.

7 MR. HATCH: Pardon me?

8 THE COURT: You can read anything  
9 in it. It is in evidence.

10 BY MR. HATCH:

11 Q There is a statement in this statement that you  
12 gave on August 22nd stating as follows: "I have  
13 read this statement consisting of two pages,  
14 initialled my corrections". And the first  
15 paragraph, it is signed, the last page, "This  
16 statement is true and correct to the best of my  
17 knowledge. No threats, force or promise of reward  
18 has been made to me and the statement is freely and  
19 voluntarily given." Is that basically what it says?

20 A Yes.

21 Q Now, that really isn't true, is it?

22 A That statement?

23 Q Pardon me?

24 A That statement you just read?

25 Q Yes.

1 A No, it is not true.

2 Q They did make a promise to you, didn't they?

3 A No, they didn't.

4 Q Now, it is your testimony they didn't make you any  
5 promises?

6 THE COURT: When?

7 MR. HATCH: When he gave the  
8 statement on August 22nd.

9 A There was no promises, threats or any other offers  
10 made to me when I made that statement on August  
11 22nd to Agent Fitzpatrick.

12 MR. HATCH: Your Honor, this is  
13 marked Defendant's Exhibit A. I would like to,  
14 at this time, offer this entire transcript of  
15 testimony.

16 THE COURT: Just say it. He is the  
17 one you make the offer to, not me.

18 MR. O'SULLIVAN: Well, I will object  
19 to the entire transcript going in. There are other  
20 matters in the transcript. You can make specific  
21 requests.

22 BY MR. HATCH:

23 Q In response to a question of Mr. O'Sullivan, were  
24 you asked a question, "All right. Now, have you  
25 had any problems with the police?"



1 THE COURT: I couldn't hear you,  
2 Mr. Hatch.

3 Q On September 27th, 1974, did Mr. O'Sullivan ask you --

4 MR. O'SULLIVAN: I object to that.  
5 If Mr. Hatch wants to ask this question, he can, but  
6 to read it from a question that I was asking --

7 THE COURT: Ask him the question.  
8 I can't seem to get across. You don't read these  
9 things. You confront the witness with what his  
10 testimony is now and then if you think there is  
11 something inconsistent in that, you read that to him,  
12 didn't you tell Mr. So-and-So this at that time.  
13 You don't read the whole thing. I tried to get this  
14 across to Mr. Fisher without success so I let him  
15 read it because there wasn't any objection as there  
16 should have been. Now we have an objection.

17 BY MR. HATCH:

18 Q Were you previously asked a question whether you  
19 had any problems with the police?

20 A Yes.

21 Q And what did you tell Mr. O'Sullivan?

22 A I told him I had been arrested.

23 MR. O'SULLIVAN: Objection. Does he  
24 want to ask him whether he had a problem with the  
25 police?

1 BY MR. HATCH:

2 Q What did you tell Mr. O'Sullivan?

3 A I told him that I had been arrested before.

4 Q When and where?

5 A January '74 and in December 1974.

6 Q And what was the arrest for?

7 A In January 1974 the arrest was for a quantity, to  
8 the best of my recollection, of 3.5 grams of  
9 marijuana.

10 THE COURT: A misdemeanor, that's it.

11 THE WITNESS: Yes.

12 Q And was this by the Federal agents?

13 A I was arrested at the New York State border crossing  
14 coming from Canada.

15 Q Were you asked what the outcome of that case was?

16 A Yes, I was.

17 Q And what was the outcome of that case?

18 A The Federal authorities turned it over to the State  
19 authorities and they reduced the charges to  
20 disorderly conduct and I was fined \$20.

21 Q Were you asked to cooperate with the police?

22 A No, I was not.

23 Q I ask you, on page 6 of the transcript now, as  
24 consideration for a disposition, did you promise to  
25 assist the State Police in helping them with respect



1 to other cases in that area above, do you recall  
2 that question being asked?

3 A Yes.

4 Q Do you know the answer you gave to that?

5 A I said yes, but I just -- I said no to the question  
6 pertaining to the arrest at the Federal border  
7 crossing. At that point I was not asked for any  
8 cooperation.

9 Q Well, but you did agree with the New York State  
10 Police to cooperate?

11 A No, I did not, not at that point, at the Federal  
12 border crossing, I did not.

13 Q You agreed to cooperate with the Investigator,  
14 didn't you?

15 A On my second arrest, December 1974 which I had  
16 stated to you just previously.

17 Q In other words, in 1974 you agreed to cooperate with  
18 the police in their investigation?

19 A In 1974, yes.

20 Q And this was part of the consideration for the  
21 reduced charge?

22 A Yes.

23 Q So that statement that you gave to Mr. Mangor and  
24 Mr. Fitzpatrick really isn't true? You were given  
25 a promise?

1 A No.

2 Q Now, on the night of April 4th, 1975 at Menconi's  
3 Bar and Restaurant, Mr. Snow, Samuel Snow, was  
4 intoxicated, is that your contention?

5 A That was my observation.

6 Q Now, you didn't hear any of the conversations  
7 between Sam and Mr. Mangor, did you?

8 A I do not recall any of that conversation.

9 Q Was Mr. Snow able to carry on a conversation?

10 A He was talking, yes.

11 Q Did Mr. O'Sullivan ask you a question concerning  
12 the conversations between Sam Snow and Benny Mangor?

13 A Yes.

14 Q Did he ask you a question:

15 "Q. Then what happened after that?  
16 After the conversation between Mangor and Glen Snow  
17 was terminated, what happened?"

18 That was the question. Do you  
19 remember that question?

20 A Yes.

21 Q And do you remember testifying as to the condition  
22 of Mr. Samuel Snow when he came into the restaurant?

23 A Yes.

24 Q What was his condition, would you describe it to  
25 the jury?



1 A Well, he walked in through the door. He was kind  
2 of wobbly. His eyes were half closed and he had a  
3 smile on his face.

4 Q He was staggering, right?

5 A Yes, to some degree.

6 Q Now, did you remark to Mr. O'Sullivan what his  
7 speech was like?

8 A I don't recall.

9 Q Well, did Mr. O'Sullivan ask you how was his speech,  
10 was his speech slurred, do you recall that?

11 A I do not recall that, no.

12 Q Do you recall what your answer was?

13 A Excuse me. My answer to what?

14 Q Do you recall what your answer was to that question,  
15 would you?

16 A No, I don't.

17 Q Would you like this to refresh your recollection?

18 A Yes, I would like it.

19 Q Did you read that question? Does that refresh  
20 your recollection?

21 A Which question are you referring to, was he  
22 staggering, how was his speech?

23 Q I asked you how was his speech, was it slurred.

24 A And I said not necessarily slurred but he had a  
25 hard time making a sentence without --

1 Q In other words, he had difficulty in communicating,  
2 didn't he?

3 A Yes.

4 Q He was that drunk?

5 A I would have to say so, yes.

6 Q And you didn't hear anything that he said, and he  
7 couldn't even state a sentence, that is your  
8 testimony, isn't it?

9 A Basically, yes.

10 THE COURT: Was he drunk on the way  
11 to New York?

12 THE WITNESS: No, he wasn't.

13 THE COURT: Was he drunk in the  
14 apartment on Riverside Avenue?

15 THE WITNESS: Not at the first  
16 apartment.

17 THE COURT: Was he drunk when you  
18 were cutting up the narcotics?

19 THE WITNESS: No, he was not.

20 BY MR. HATCH:

21 Q When you testified, when you gave this statement of  
22 August 22nd and then you gave this statement to  
23 Mr. O'Sullivan, did you have some kind of notes  
24 with you?

25 A I had the statement from Thomas Fitzpatrick.



1 Q In other words, this first statement was your notes?

2 A Yes.

3 Q And when you told Mr. Fitzpatrick and Mr. Lear that  
4 was the truth, wasn't it, to them?

5 A I told them that was the truth, yes.

6 Q So isn't it a fact you can't testify to what Sam  
7 Snow and Benny Mangor said?

8 A That is a fact.

9 Q They could have been talking about the moon?

10 A That is correct.

11 Q You testified in New York initially, the first  
12 conversation to Mr. O'Sullivan, that you didn't  
13 hear anything in New York?

14 A That is correct.

15 MR. HATCH: I have no further  
16 questions, Your Honor.

17 THE COURT: Just so there is no  
18 misunderstanding, you are testifying here on your  
19 promise of immunity from prosecution for anything  
20 you say at this trial, isn't that so?

21 THE WITNESS: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. O'SULLIVAN:

24 Q You indicated to Mr. Hatch and Mr. Fisher that your  
25 earlier statements that you made with respect to

1 this case were untrue or were in variance with the  
2 statements that you are making here today. And can  
3 you explain to us why there is a variance between  
4 what you told me on September 22nd and what you  
5 told Agent Fitzpatrick on August 22nd and what you  
6 are saying here today?

7 MR. FISHER: I object to that,  
8 Your Honor. It calls for a conclusion of the  
9 witness.

10 THE COURT: Yes, sustained. Ask  
11 him one question at a time. There are about 15  
12 there.

13 BY MR. O'SULLIVAN:

14 Q Will you tell us why this statement you made to me  
15 on August 22nd is different than your testimony  
16 here today?

17 MR. FISHER: I object to that,  
18 Your Honor.

19 THE COURT: Sustained.

20 Q You testified to Mr. Fisher and Mr. Hatch that the  
21 statements you gave me were untrue. Will you tell  
22 us why they were untrue?

23 MR. FISHER: Same objection, Your  
24 Honor.

25 THE COURT: Yes, sustained. We are



1 not concerned with why. Bring out whatever facts  
2 you want to bring out, not what is going on in his  
3 mind.

4 BY MR. O'SULLIVAN:

5 Q All right. When you gave me this statement on  
6 September 22nd, did you tell me that you were  
7 unwilling to testify?

8 MR. FISHER: Your Honor, could I  
9 object to that as a leading question?

10 THE COURT: I will allow it.  
11 Did you make any such statement?

12 THE WITNESS: Excuse me now?

13 THE COURT: Were you cooperating  
14 with the Government at that time?

15 THE WITNESS: At the time I gave my  
16 statement to --

17 THE COURT: Yes.

18 THE WITNESS: Yes, I was.

19 BY MR. O'SULLIVAN:

20 Q Did you tell me you were unwilling to testify?

21 A I said I wouldn't testify, I could not testify on  
22 the grounds that it is self-incrimination.

23 Q And subsequent to that, as the Court indicated, you  
24 were granted immunity to testify?

25 A Yes, now that I have received an immunity grant from

1 the Court, I am agreeing to testify to tell the  
2 truth, where self-incrimination would be impossible.

3 Q Is the testimony you are giving here today the  
4 truth then?

5 A This was the truth I am giving here today.

6 THE COURT: You realize you could  
7 be prosecuted for perjury for what you say here?

8 THE WITNESS: Yes, I realize it.

9 THE COURT: Do you realize that?

10 THE WITNESS: Yes, Your Honor, I  
11 realize that.

12 BY MR. O'SULLIVAN:

13 Q And the statement you gave me in my office was not  
14 the truth in all respects?

15 A Not in all respects, no, it was not.

16 Q Why was it that you did not tell the truth?

17 MR. FISHER: Objection, Your Honor,  
18 the state of mind again.

19 THE COURT: Sustained.

20 At that point had you been promised  
21 immunity from prosecution when you talked to Mr.  
22 O'Sullivan?

23 THE WITNESS: No, I had not been  
24 promised any immunity and I felt when I was talking  
25 to Mr. O'Sullivan that anything I would say could



1 be used to incriminate myself and implicate myself  
2 in the charges, and I wished to avoid that.

3 MR. FISHER: Can I object to that  
4 as not responsive?

5 THE COURT: I think it is responsive.

6 MR. FISHER: Pardon me?

7 THE COURT: It is responsive.

8 BY MR. O'SULLIVAN:

9 Q Now, you told Mr. Fisher that this trip to New York  
10 City that you went down there with Glen and Sam  
11 Snow, that was originated sometime prior to April  
12 4th when you introduced Agent Mangor to him, is  
13 that correct?

14 A Yes, it was.

15 Q Tell us how that came about, the plan to go down  
16 there originated. Was it a conversation that you  
17 had some place with Glen or Sam Snow?

18 THE COURT: We will take our  
19 luncheon recess. And meanwhile, you spend the  
20 lunch hour and see if you can think of one question  
21 at a time.

22 Don't talk about the case. Don't  
23 let anybody talk to you about it. Two-fifteen.

24 (A luncheon recess was taken).

25 MR. O'SULLIVAN: May I proceed?

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THE COURT: Yes.

BY MR. O'SULLIVAN:

Q Mr. Votraw, did you plan to go to New York City with Glen and Sam Snow before you introduced each of them to Agent Mangor?

A Yes, I had.

Q When was this?

A Within two to three weeks prior to the introduction of Agent Mangor to Glen and Samuel Snow.

Q Where did this take place?

A We had talked about it in Menconi's Restaurant and Bar.

Q Well, who was present?

A Samuel, Glen and myself.

Q And what was the conversation that took place?

A The conversation was to the effect --

MR. FISHER: I object to the words "to the effect". He had a conversation.

THE COURT: Who was present? Fix the time and who was present, then we can tell whether the conversation is admissible or whether it isn't. Who was present?

THE WITNESS: Myself, Samuel and Glen Snow.

THE COURT: All right. Tell us who



1           said what.

2                           THE WITNESS: Glen had talked to me  
3           about going to New York to purchase some cocaine.

4                           MR. FISHER: Same objection, Your  
5           Honor.

6                           THE COURT: Sustained. Who said  
7           what? Recall the conversation. I said, Glen said,  
8           Sam said.

9                           THE WITNESS: I'm sorry, Your Honor.  
10          Glen said to me that they were going to New York,  
11          they had a connection for cocaine. He asked me if  
12          I would be interested in getting into it with him.

13                          THE COURT: What?

14                          THE WITNESS: Getting into purchasing  
15          some cocaine with him. I agreed to it. I said yes,  
16          I knew some people that would buy some cocaine from  
17          him and it would give me a chance to extend my  
18          relations to people I worked with.

19                          THE COURT: Please keep your voice  
20          up. I am having great trouble hearing and I am  
21          sitting right next to you.

22          BY MR. O'SULLIVAN:

23          Q       What did Sam Snow say?

24          A       Sam said to me along the same lines, he said they  
25          are going into New York and we are going to have

1 a get-together down there. He was going to meet  
2 with some people, try to acquire some cocaine and  
3 he wanted to know, he asked me if I would go in  
4 financially with him, and I said yes, I could, in  
5 the event -- and I told him that I knew some people  
6 that would buy the cocaine from me and that it would  
7 be a worthwhile venture on my behalf to go with him.

8 Q Well, was there any further conversation that took  
9 place at that time?

10 A Glen asked me how we are going to get together and I  
11 told him where I was staying in Brewster, New York,  
12 the Fox Ridge Motel. I gave him my telephone number  
13 so he could contact me in the event they decided to  
14 move, go down to New York City while I was working.  
15 That is about all I can recall of that conversation.

16 Q All right. Did you know John Simons and Neil Cohen  
17 before you met them in New York City on April 10th?

18 A Yes, I did.

19 Q You knew them before?

20 A Yes, I did.

21 Q Did you know that Neil Cohen could get cocaine?

22 MR. FISHER: I object to that as a  
23 conclusion of the witness.

24 THE COURT: Yes.

25 Q Did you ever try to get cocaine from Neil Cohen



1 before April 10th, 1975?

2 A No, I did not.

3 MR. O'SULLIVAN: No further  
4 questions.

5 MR. FISHER: I offer Defendant's  
6 Exhibit A in evidence.

7 MR. O'SULLIVAN: I will object,  
8 Your Honor, being that there are other matters.

9 THE COURT: Sustained.

10 MR. FISHER: May I be heard on it,  
11 Your Honor?

12 THE COURT: No.

13 MR. FISHER: Exception, please.

14 THE COURT: You don't need to take  
15 exceptions.

16 MR. FISHER: Could that part be  
17 admitted in evidence which relates to the incon-  
18 sistent statements between the testimony?

19 THE COURT: I have ruled on it.  
20 There is a way to do it. You don't seem to want to  
21 do it that way, so do it your way and we will  
22 exclude it.

23 MR. FISHER: I can't give an  
24 opinion on my way. Your Honor recommends I proceed  
25 but he did say there were things in here --

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THE COURT: There are ways to do that.

MR. FISHER: I would have to go through every question and every answer to find out which ones are true and which weren't unless I can offer it.

THE COURT: I'm sorry, that is the way you have to do it. I don't make the rules. You can't just put it in evidence and use it for purposes of impeachment.

MR. FISHER: He said there were parts that were not true but didn't say which parts, Your Honor.

THE COURT: Proceed, Counselor. Don't go to law school here.

MR. FISHER: I beg your pardon?

THE COURT: I said I can't run a law school here. Proceed.

RE CROSS-EXAMINATION

BY MR. FISHER:

Q Mr. Votraw, your testimony about this conversation with Sam and Glen Snow about going to New York and agreeing to go to New York in reference to purchasing coke, had you ever told anybody that story before today?



1 A That I would -- had agreed to go to New York City  
2 with Glen and Sammy to purchase cocaine?

3 Q Yes.

4 A Yes, I did.

5 Q Who did you tell this to?

6 A I told this to the United States Assistant Attorney,  
7 Mr. O'Sullivan.

8 THE COURT: Please keep your voice  
9 up, will you? You are mumbling there.

10 THE WITNESS: I'm sorry, Your Honor.

11 Q When did you tell this to Mr. O'Sullivan?

12 A This was Sunday evening.

13 Q This past --

14 A This past Sunday evening.

15 Q This past Sunday evening?

16 A Yes.

17 Q Did you ever, in any statements, sworn or unsworn,  
18 ever tell either Mr. Fitzpatrick, Mr. Mangor or  
19 Mr. O'Sullivan the details of that conversation in  
20 reference to going to New York to buy coke before  
21 Sunday night?

22 A No, I did not.

23 Q Is there any conversation in Defendant's Exhibit A,  
24 this long statement you gave on September 22nd,  
25 1975 to Mr. O'Sullivan, is there any reference to

1 that conversation in that?

2 A Yes, there is.

3 Q Will you show me where?

4 A Page 26.

5 Q Referring to page 26, did you not state in part,  
6 "We made arrangements to go to New York before I  
7 made the introduction to Mangor.

8 "Q. Before you introduced Agent  
9 Mangor to him, you had a previous agreement to go  
10 to New York?

11 "A. I would like to go with him.  
12 He was going to New York."

13 Were you asked that question and  
14 did you give that answer?

15 A Yes.

16 Q And who is "him" referred to in your answer?

17 A That would be Glen.

18 Q Is there any reference to Sam on that page?

19 A I don't recall, I would have to look. There is no  
20 reference to Samuel.

21 Q Is there, anywhere in that statement, Defendant's  
22 Exhibit A, the question and answer wherein you state  
23 that you had any conversations with Sam in reference  
24 to going to New York with Sam?

25 A No.



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MR. FISHER: Nothing further.

THE COURT: Do you have something?

MR. HATCH: Yes, I have.

RECROSS-EXAMINATION (continued)

BY MR. HATCH:

Q This conversation you were supposed to have had that you related to Mr. O'Sullivan Sunday evening, you just testified that your conversation was relative to cocaine, is that correct?

A That is correct.

Q When you refer to this page 26, talking about it, did you refer to cocaine at that time?

A No, I did not.

Q What did you refer to?

A Narcotics.

Q What kind of narcotics?

A I didn't refer to any particular narcotics.

Q Didn't you say any narcotics?

A Yes, I did.

Q That wasn't cocaine, was it?

A Not explicitly, no.

Q What days of the week do you work?

A Monday through Friday.

Q But on the 11th you worked Saturday, is that correct?

A No, I didn't work Saturday.

- 1 Q Didn't you just testify to this jury that you went  
2 to work after you partied all night?
- 3 A That was a Friday, yes, that is what I testified to.
- 4 Q They came to New York on what day?
- 5 A They came to New York on a Thursday.
- 6 Q And you worked on Friday?
- 7 A And I worked on Friday.
- 8 Q And you left New York, or Brewster, New York at what  
9 time on Friday?
- 10 A Approximately 2 o'clock Friday afternoon.
- 11 Q What time did you arrive in Ausable Forks?
- 12 A I arrived in Ausable Forks, it was almost midnight.
- 13 Q Did you bring any cocaine with you then?
- 14 A Yes, I had a small amount of cocaine with me at that  
15 time.
- 16 Q And when you brought that cocaine with you, that was  
17 some of the same cocaine that you got at Riverside  
18 Drive, isn't it?
- 19 A Yes, it is.
- 20 Q And did you distribute it up there?
- 21 A No, I did not.
- 22 Q You just had it in your possession?
- 23 A For my personal use.
- 24 Q Did you tell Mr. Mangor that you had some cocaine?
- 25 A I did not.



1 Q You didn't tell Mr. Fitzpatrick?

2 A I did not.

3 Q How much cocaine did you have?

4 A A small quantity, probably in the vicinity of two  
5 to three grams, considered to be a spoon.

6 Q Didn't you testify that you didn't use cocaine this  
7 morning?

8 A Prior to going to New York City, I think that is  
9 the way the question was asked of me, have you ever  
10 used cocaine.

11 Q You never used it, this is your first experience  
12 with it?

13 A That was my first experience with it, yes.

14 Q And that night when you were with all those fellows,  
15 you learned what a spoon was, right?

16 A Yes.

17 Q You are a pretty quick learner, aren't you?

18 THE COURT: Oh, come on.

19 A At times.

20 MR. HATCH: I have nothing further.

21 REDIRECT EXAMINATION

22 BY MR. O'SULLIVAN:

23 Q Who gave you that cocaine?

24 A Glen gave me the small package of cocaine.

25 Q Who else was present when he gave you that cocaine?

1           A       Samuel was in the room.

2                               MR. O'SULLIVAN: No further questions.

3                               MR. FISHER: I didn't hear it,  
4       Your Honor.

5                               THE COURT: Who gave you the cocaine?  
6       Glen. Who else was present?     Samuel.

7                               MR. FISHER: Sorry, I didn't hear it,  
8       Your Honor.

9                               THE COURT: I was trying to help you.  
10       Any further cross?

11                              MR. FISHER: No, Your Honor.

12                              THE COURT: You are excused.  
13       (Witness excused).

14                              MR. O'SULLIVAN: The Government  
15       rests, Your Honor.

16                              THE COURT: We will take a very  
17       short recess.

18                              (Jury leaves Courtroom).

19                              THE COURT: All right, Mr. Fisher.

20                              MR. FISHER: Your Honor, at this  
21       time on behalf of the defendant, Glen Snow, we  
22       would like to move to dismiss the indictment on  
23       the grounds that the United States of America has  
24       failed to prove all of the essential elements of the  
25       conspiracy within the meaning of Section 841A(1),



1 Title 21 of the United States Code.

2 Specifically, Your Honor, I would  
3 like to direct my attention to --

4 THE COURT: I will not require an  
5 argument on that motion.

6 MR. FISHER: Could I ask then for a  
7 ruling on the motion?

8 THE COURT: I would be happy to  
9 rule on it. Denied.

10 MR. FISHER: I am talking about  
11 something else, Your Honor, if I could be heard.

12 THE COURT: All right, sure, but  
13 not arguing on the motion to dismiss.

14 MR. FISHER: I have already stated --  
15 if I could have an opportunity, it is addressed to  
16 something else, Your Honor.

17 During the course of the trial, if  
18 we can call it a trial, I have moved to dismiss  
19 where I have a Court ruling that the testimony of  
20 Glen Snow is not binding upon Samuel Snow; the  
21 testimony of Samuel Snow is not binding on Glen  
22 Snow because neither of these people were present  
23 in the presence of each other.

24 THE COURT: I don't know where you  
25 got that idea. You are just dead wrong. They don't

1           ever have to be present together. They don't even  
2           have to know each other, and at this point we just  
3           moved just to protect the record to strike the  
4           testimony on the grounds they haven't shown any  
5           connection. I will make that motion on your behalf  
6           and deny it. They are connected.

7                       MR. HATCH: Your Honor, I move at  
8           this time to dismiss on Rule 29 from reading the  
9           indictment which only alleges that Sam Snow had a  
10          conversation on April 4th, 1975 in the restaurant.  
11         Now, at no time, any overt act in these set of  
12         pleadings and in the Bill of Particulars, did  
13         anything other than the fact that the man had any  
14         conversation. The Government's witness testifies  
15         that the man couldn't have had a conversation,  
16         couldn't hear the conversation. There is no proof  
17         except Mr. Mangor's statement as to what Sam Snow  
18         said. Now, they talked about a telephone conver-  
19         sation, sir. I respectfully request that the  
20         transaction was not finalized until sometime in the  
21         future.

22                       THE COURT: It doesn't need to be.  
23         It would help if you knew this law. Denied. It  
24         is frivolous, utterly frivolous.

25                       MR. HATCH: May I have an exception



UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

-against-

SAMUEL SNOW,

Appellant.

AFFIDAVIT OF SERVICE  
BY MAIL

Docket No. 75-CR-82

STATE OF NEW YORK      )  
COUNTY OF ESSEX        ) ss.:

EVELYN A. HATCH, being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age and resides at Willsboro, New York. That on the 2nd day of April, 1976, deponent served the within record and brief on appeal upon Thomas P. O'Sullivan, Assistant U.S. Attorney, at U.S. Post Office Building, Albany, New York, the address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in a post office under the exclusive care and custody of the United States post office department within the State of New York.

*Evelyn A. Hatch*  
EVELYN A. HATCH

Sworn to before me this

2 day of April, 1976

*Florence E. Hathaway*  
Notary Public

FLORENCE E. HATHAWAY  
Notary Public in the State of New York  
No. 16-6804117  
Qualified in Essex County 78  
My Commission Expires March 30, 1978

